

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1981

HELD IN THE CITY OF MONTGOMERY,
COMMENCING TUESDAY, FEBRUARY 3, 1981



Vol. 1
WITH AN INDEX PREPARED BY THE
CLERK OF THE HOUSE

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
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FIRST DAY

Montgomery, Alabama
State Capitol of Alabama
Tuesday, February 3, 1981

JOURNAL

of the House of Representatives of the State of Alabama, of the Regular Session of 1981, begun and held at the Capitol in the City of Montgomery, State of Alabama, on the first Tuesday in February, 1981, being the third day of the month in the Year of our Lord, One Thousand Nine Hundred and Eighty-One at 12 o'clock, M., on which day, the day fixed by law for the meeting of the Legislature of Alabama, was called to order by Honorable Joe C. McCorquodale, Jr., Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by the Reverend Ben Sawada, Minister of the Capitol Heights United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE,
Secretary.

REPORT FILED

The Report of the Sunset Review Committee, pursuant to Act 79-542 was submitted to the Alabama Legislature of 1981, and the report was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 1. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the clerk of the House notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 1, was adopted.

Also:

By Rep. Manley:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for transaction of business.

On motion of Rep. Manley, the rules were suspended and the resolution H. J. R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Patton, Grimsley and Hammett.

LEAVE OF ABSENCE

At the request of Rep. Patton, leave of absence was granted for Rep. Letson.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. J. R. 3. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on Tuesday, February 3, 1981, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

AND, BE IT FURTHER RESOLVED That a committee of three members of the House to be named by the Speaker of the House, and three members of the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said committee also serve as a committee to escort the Governor to the House Chamber for the joint session.

On motion of Rep. Manley, the rules were suspended and the resolution H. J. R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives Adams (H), Olive and Starkey.

Also:

By Rep. Manley:

H. J. R. 4. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Tuesday, February 3, 1981, we adjourn to meet again on Thursday, February 5; when we adjourn on Thursday, February 5, we adjourn to meet again on Tuesday, February 10; when we adjourn on Tuesday, February 10, we adjourn to meet again on Thursday, February 12; when we adjourn on Thursday, February 12, we adjourn to meet again on Tuesday, February 17, 1981.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 4, was adopted.

Also:

By Rep. Manley:

H. R. 5. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, February 3, 1981, we adjourn to meet again on Thursday, February 5, 1981, at 9:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution H. R. 5, was adopted.

Also:

By Reps. Manley, Campbell, Biddle, Carothers, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 6. MOURNING THE DEATH OF JOSEPH CHARLES McCORQUODALE, SR., DISTINGUISHED CITIZEN AND PROMINENT CLARKE COUNTIAN.

WHEREAS, the Legislature of Alabama has grievously noted the death of Joseph Charles McCorquodale, Sr., in Grove Hill, Alabama, on December 13, 1980, at the age of 88 years; and

WHEREAS, a native and lifelong resident of Clarke County and a graduate of Marion Military Institute and Howard College in Birmingham, Mr. McCorquodale was a member of Grove Hill First United Methodist Church; he was a former merchant, farmer and timberman who also was notably distinguished through his more than three decades of public service; and

WHEREAS, Mr. McCorquodale was a member of the Clarke County Commission from 1929 until 1939, during which tenure he twice held terms of office as president of the Alabama Association of County Commissioners; in 1976 the organization bestowed its County Government Award upon Mr. McCorquodale in recognition of his "outstanding individual service to County Government in Alabama"; and

WHEREAS, in 1939 he was appointed tax collector of Clarke County to begin service that was to extend, by virtue of election, until his retirement in 1961; and

WHEREAS, as a member of one of his county's most distinguished pioneer families, Mr. McCorquodale's affection for his beloved Clarke County was a legacy of three generations, and his entire life was a reflection of that love, evidenced through acts of care and concern for all of Clarke County and its citizens; and

WHEREAS, not only was Mr. McCorquodale the founder and first president of the Clarke-Washington Electric Cooperative but also, through the years, was individually and influentially responsible for numerous programs of progress and prosperity for Clarke County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Joseph Charles McCorquodale, Sr., of Clarke County, Alabama; we share his loss not only with his family but with all those who loved him as a kind and gentle man of great stature and achievement.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for his son and our friend, Joseph C. McCorquodale, Jr., that he and his family may know of our sincerely shared sorrow and concern.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 6, was adopted.

NOTICE IN WRITING

Rep. Reed filed the following Notice in Writing:

At the next Legislative day, a motion will be made to adopt the following Rule Change:

The Rules of the House of Representatives are hereby amended to read as follows:

No former member of the House of Representatives or the Senate who is a lobbyist, whether registered or unregistered, is permitted on the floor when the House is in Session if any member objects.

REGULAR SESSION
1st Day

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STATE OF ALABAMA

I, Don Siegelman, Secretary of State, of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that it appears from the returns of the election held on January 27, 1981, received in this Department in accordance with law, that the following named person was elected to the House of Representatives for the unexpired term of the Honorable Earl Hilliard, from the Forty-Fifth District:

SUNDRA E. ESCOTT

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day, January 30, 1981.

DON SIEGELMAN,
Secretary of State.

OATH OF OFFICE

The oath of office was administered to Honorable Sundra E. Escott by Honorable Joe. C. McCorquodale, Jr., Seaker of the House of Representatives, in the House Chamber.

FIRST READING ON PREFILED BILLS

Bills which had been prefiled and assigned to appropriate standing committees prior to the convening of this Regular Session, pursuant to Joint Rule 10 of the two Houses of the Legislature, were introduced, severally read one time, and formally referred to the same committees, as follows:

By Rep. Hammett:

H. 1. To amend section 22-4-2 of the Code of Alabama 1975 relating to the definition of health care facility so as to include veterans nursing homes within such definition.

Health.

By Rep. Hammett:

H. 2. To provide that all employees of Alabama Educational Television shall be covered under the state merit system law.

Ways and Means.

By Rep. Hammett:

H. 3. To amend Section 37-3-4 of the Code of Alabama 1975, known as the Alabama Motor Carrier Act, so as to provide that any motor vehicle used in the transportation of houses shall be exempt from the provisions of the Motor Carrier Act except those provisions pertaining to registration of operators, identification of motor vehicles, and appropriate safety standards.

Commerce and Transportation.

By Rep. Drinkard:

H. 4. To require persons, firms and corporations dealing in antique, second-hand, used and scrap jewelry and precious metals to retain said items for seventy-two hours, to register with the sheriff and chief of police, and to maintain certain records pertaining thereto; and to make violations thereof Class B misdemeanors.

State Administration.

By Rep. Barton:

H. 5. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

Judiciary.

By Reps. Holley and Grouby:

H. 6. To provide for and designate the Alabama Capitol Complex Planning District; to establish the Capitol Complex Planning Commission to develop a comprehensive and long-range plan for development of the capitol complex; and to provide for the appointment and duties of the commission.

Commerce and Transportation.

By Rep. Campbell:

H. 7. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the legislative council to be the committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.

Judiciary.

By Reps. Bennett and Amari:

H. 8. To authorize peace officers whose arrest powers are otherwise limited to a particular subdivision or subdivisions to make arrests in other subdivisions of this state in hot pursuit situations; to describe the arrest powers of such officers in hot pursuit situations; to define "hot pursuit;" to provide that this act shall not be construed to limit in any way the arrest powers of any peace officer; and to provide an effective date.

Judiciary.

By Rep. Sasser:

H. 9. To provide increased criminal penalties and to remove juvenile offender status for certain persons convicted of committing certain crimes against elderly citizens.

Ways and Means.

By Rep. Gafford:

H. 10. To require the state to carry out murders that have been attempted by felons in this state.

Banking.

By Rep. Cates:

H. 11. To amend §40-18-74, Code of Alabama 1975, to require certain employers to remit to the Department of Revenue on a monthly basis the amount of income tax required to be deducted and withheld from the wages of their employees.

Ways and Means.

By Rep. Owens:

H. 12. To establish the Revenue Forecast Control Commission to project anticipated state revenue and to prohibit the legislature from appropriating more than a certain percentage of the projected revenue.

Ways and Means.

By Rep. Holmes:

H. 13. To prohibit paramilitary training by certain persons and to prescribe criminal penalties for violating such provisions.

State Administration.

By Rep. Bedsole (With Notice and Proof):

H. 14. To amend Section 2 of Act No. 929, H. 1365, 1961 Regular Session (Acts 1961, p. 1487), relating to the Mobile Tree Commission.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 14; AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT, NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Trammell:

H. 15. To prohibit the contamination of any water supply through the use of an underground injection well; and to prescribe penalties for violation.

Health.

By Rep. Smith (J):

H. 16. To establish the Revenue Forecast Control Commission to project anticipated state revenue and to prohibit the legislature from appropriating more than a certain percentage of the projected revenue.

Constitution and Elections.

By Rep. Smith (J):

H. 17. To propose an amendment to the Constitution of Alabama of 1901, to establish the Revenue Forecast Control Commission which would project anticipated state revenue and to prohibit the legislature from appropriating more than a certain percentage of the projected revenue.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Drinkard:

H. 18. To limit the amount that charitable organizations may pay to professional solicitors to a percentage of the total monies received by said organizations.

State Administration.

By Rep. Albright:

H. 19. To prohibit the levy of an increased amount of alcoholic beverage tax on the increased amount that a "collector's" bottle of liquor as defined by the alcoholic beverage control board sells for over the amount a regular bottle of the same size and kind of liquor sells for.

Ways and Means.

By Rep. Bennett:

H. 20. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include certain other associations within the definitions of charitable organizations as used in this section.

State Administration.

By Rep. Turner:

H. 21. To amend Section 28-3-266, Code of Alabama 1975, in order to raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages.

State Administration.

By Rep. Holley:

H. 22. Relating to ad valorem taxation; regulating the levy, assessment, collection, distribution and use of such taxes; providing that upon the ratification of an amendment to the Constitution of Alabama of 1901, rescinding the power of the state to levy ad valorem taxes, no ad valorem taxes shall be levied or collected by the state after October 1, 1982; providing for the levy and collection of such taxes by the several counties; providing that this Act is cumulative and shall insofar as practicable be construed in pari materia with other laws relating to ad valorem taxation; nevertheless, repealing all laws or parts of laws in conflict herewith and specifically repealing Sections 40-8-2 and 40-8-3, Code of Alabama 1975.

Ways and Means.

By Rep. Holley:

H. 23. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 relating to ad valorem taxation; repealing and superseding Sections 91, 214, 215, and 217 of the Constitution of Alabama of 1901, as amended, and all other conflicting provisions thereof.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Parker:

H. 24. Relating to property and casualty loss insurance policies; prescribing certain time limits for the payment of claims by such insurers and providing certain penalties for failure to pay such claims within such time limits.

Public Welfare.

By Rep. Turner:

H. 25. To authorize certain governmental agencies to donate things of value to any voluntary fire department or rescue squad.

State Administration.

By Rep. Turner:

H. 26. To provide that any person, firm or corporation who clear-cuts hardwood timber from land in excess of 100 acres for the purpose of replanting trees within one mile of any navigable river, shall be required to plant at least five acres of suitable hardwood trees of every 100 acres so clear-cut for a source of wildlife food; or, in the alternative, out of such 100 acre tracts scheduled for cutting, at least five acres of hardwood trees suitable for wildlife food source may be left uncut; to provide that the Alabama department of conservation and natural resources shall publish a list of trees suitable for wildlife food source to be used as a guide and that such areas shall be replanted in accordance with said guidelines; to provide that the commissioner of the department of conservation and natural resources shall be authorized and empowered to promulgate any and all regulations necessary to carry out the provisions of this Act; and to prescribe penalties for violations.

Natural Resources.

By Rep. Turner:

H. 27. To provide that law enforcement officers employed by the Department of Conservation and Natural Resources may retain their badge, pistol and such other equipment as the department may designate upon their retirement.

Natural Resources.

By Rep. Turner:

H. 28. To require that a certain percentage of forest lands scheduled for clear-cutting that are located within one mile of the shoreline of any navigable river in this state be left with standing hardwoods or replanted to hardwoods under guidelines set forth by the Alabama department of conservation and natural resources for the purpose of protecting the game birds and animals of this state; to prescribe penalties and to provide for condemnation of certain lands without compensation for refusal to comply with the provisions of this Act.

Natural Resources.

By Rep. Gafford:

H. 29. To amend certain sections of Title 13A Criminal Code, Code of Alabama 1975, specifically sections 13A-12-22, 13A-12-23, 13A-12-24, and 13A-12-27, to reinstate these offenses as a Class C felony as originally enacted.

Judiciary.

By Rep. Carter:

H. 30. To amend Section 17-7-5.1 of the Code of Alabama 1975 so as to provide further for the time of holding elections in this state.

Constitution and Elections.

By Rep. Owens:

H. 31. To amend Section 32-6-1 of the Code of Alabama 1975, relating to drivers' licenses and the renewal of such licenses, so as to prescribe that the department of public safety shall mail renewal notices to each licensee at least thirty days prior to the expiration date.

Ways and Means.

By Rep. Smith (J):

H. 32. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term

prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the general rule for transition to the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

Judiciary.

By Rep. Payne (With Notice and Proof):

H. 33. Relating to Jefferson County; providing for an additional allowance for election officials who work at polling places.

Local Legislation No. 2

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 33, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne (With Notice and Proof):

H. 34. Relating to Jefferson County; to provide for the composition of any county planning commission established under Act No. 344, H. 775, 1947 Regular Session (General Acts of 1947, p. 217), or Act No. 581, H. 1012, 1947 Regular Session (General Acts of 1947, p. 404); to provide for the division of the county into districts, and to provide for the appointment of the members from said districts.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 34, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Minus and Manley:

H. 35. To repeal section 12-18-62 of the Code of Alabama 1975 which disallows the practice of law by retired district judges.

Judiciary.

By Rep. Zoghby:

H. 36. To amend Section 35-4-383 of the Code of Alabama 1975, so as to provide further for leases, contracts of exchange, or other disposition of real estate made by any department, commission or other agency of the state of Alabama; to prescribe that certain prerequisites be adhered to prior to the execution of any lease of real property with the state of Alabama or any of its agencies as lessee, including, but not limited to: prior public notification and invitations to bid, subsequent public notice of not more than the three most suitable sites thereafter under consideration together with certain terms of the lease, cost, location, square feet, maintenance, and responsibilities of the lessee; to provide for a public hearing in the locality where the realty is situated; to provide further for the official approval of such leases and contracts; and to prescribe that such prerequisites shall be applicable to any state agency whether state or federal funds are used for leasing.

State Administration.

By Rep. Cheatwood:

H. 37. To amend Section 22-30-11 of the Code of Alabama 1975, relating to guidelines, standards, criteria and regulations by the state board of health, so as to further provide for the storage and disposal of hazardous waste and require certain geological and soil composition for sites therefor, whether such storage is temporary or permanent; and to require that all such storage or disposal be subsurface as prescribed by the board of health.

Health.

By Rep. Hines:

H. 38. To authorize judges, in their discretion, to impose sentences to be served concurrently with sentences imposed by other states; to define "state" for purposes of this act; and to specify the cases to which this act shall apply.

Judiciary.

By Rep. Harvey:

H. 39. To amend section 17-6-13 of the Code of Alabama 1975 relating to compensation of election officers, so as to increase such compensation.

Local Government.

By Rep. Smith (J):

H. 40. To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of hotel owners, so as to provide that the hotel owners be required to install a smoke detector in each hotel room.

State Administration.

By Rep. Bedsole:

H. 41. To provide for the recovery by the State of Alabama of the interest, penalties and legal expenses in connection with excess payments made to health care providers under the Medicaid Program; to provide for the distribution of said money, and to set a date for limitation of action.

Ways and Means.

By Rep. Bedsole:

H. 42. To provide penalties for filing false claims with or obtaining excess payments, including Medicaid payments, from the State of Alabama, or political subdivisions thereof; to provide for termination of contracts upon conviction or judgment; to provide for the distribution of money penalties and fines; and to set a date for limitation of action.

Ways and Means.

By Rep. Biddle:

H. 43. To specifically exempt certain drugs from any state gross sales taxes; to define such drugs.

Ways and Means.

By Rep. Carter:

H. 44. To repeal Sections 16-5-1 through 16-5-10 of the Code of Alabama, 1975, and Act No. 79-461, H. 494, of the 1979 Regular Session, which relate to the establishment, membership, powers, authority and duties of the Alabama Commission on Higher Education; to transfer all property, whether real or personal, and all assets and unexpended funds to the State Board of Education; and to transfer all powers, authority and duties heretofore granted to the Alabama Commission on Higher Education to the State Board of Education.

Education.

By Rep. Gafford:

H. 45. To authorize the Secretary of State to amend Acts of the Legislature and prescribes the procedure and assistance to do so.

Public Welfare.

By Rep. Harper (T):

H. 46. To provide for the crime of prostitution and provide penalties.

Public Welfare.

By Rep. Biddle:

H. 47. Relating further to health and accident insurance policies issued within this state; to provide further for the consideration of claims by the company issuing said policies; to provide that the insurance company shall pay interest on the unpaid amount of any such claims after a certain period of time from receipt of proof of loss; to provide for other penalties; and to provide reasonable attorneys' fees when an insured is forced to resort to legal action or bear the expenses of an appeal in order to recover under the policy.

State Administration.

By Rep. Turner:

H. 48. To provide for the granting of up to five years creditable service under the teachers' retirement system of Alabama for service rendered in certain private schools in Alabama; to provide for the methods and procedures to calculate the member contributions required to purchase such credit and the conditions for eligibility; to provide that the member shall pay the total cost for such credit; and to provide that a member may use the credit in calculating the average final salary.

Ways and Means.

By Rep. Holley:

H. 49. To provide that medical hospitals for humans, emergency rooms connected thereto, and nursing homes, submit itemized statements, upon request, to patients, of services rendered by said institutions and to provide penalties for failure to submit said statements.

Health.

By Rep. Gafford:

H. 50. To relieve the State of Alabama Personnel Director of the duty of publishing the names and addresses of state employees, as is required by Section 36-26-8(b) (14), Code of Alabama 1975, and to repeal said section in part.

State Administration.

By Rep. Ford (With Notice and Proof):

H. 51. Relating to Etowah County; providing for an additional allowance for election officials who work at polling places.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 51, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Stewart:

H. 52. To prohibit appellate courts of this state from making a finding of fact on any given issue upon the review or appeal of a trial court decision unless the trial court actually heard evidence on, or made a finding of such fact at trial, any law or rule or procedure adopted by the supreme court to the contrary notwithstanding.

State Administration.

By Rep. Stewart:

H. 53. To provide that per curiam decisions of any appellate court of this state must provide the name of the judge or justice who is primarily responsible for writing the decision, any law, procedure of court, or rule adopted by the state supreme court to the contrary notwithstanding.

State Administration.

By Reps. Dial and Ford:

H. 54. To amend Section 31-2-60, Code of Alabama 1975, which provides for the organization of the military department; qualifications, appointment, rank, etc., of employees of the military department; applicability of merit system to department officers and employees so as to further provide for the number of assistant adjutants general for army that are authorized by National Guard Bureau rules and regulations.

Ways and Means.

By Reps. Barton, Dial and Ford:

H. 55. To provide that members of the national guard while on emergency state active duty and while actually performing a mission in connection with emergency state active duty, and when the Governor has declared that emergency powers are necessary, members of the national guard selected by the Adjutant General or his designated representative, shall be possessed with the same legal authority as any other state law enforcement officer, including but not limited to all law enforcement powers including powers of arrest and to further provide for the wearing of badges.

Military Affairs.

By Reps. Barton, Dial and Ford:

H. 56. To provide for criminal penalties for failure to obey a lawful order of a member of the state national guard when said member of the national guard is lawfully serving on state active duty.

Military Affairs.

By Reps. Ford and Dial:

H. 57. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

Military Affairs.

By Reps. Dial and Ford:

H. 58. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

Ways and Means.

By Rep. Adams (C):

H. 59. To create an Equipment Management Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage

value in the Equipment Management Surplus Reserve Account; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment; the provisions of this act shall be retroactive to October 1, 1980.

Ways and Means.

By Rep. Adams (C):

H. 60. To amend Section 23-1-41 of the Code of Alabama 1975 which provides for insurance to employees of the state highway department who may be killed or injured in the line and scope of their employment so as to provide for a self-insurance program for such employees; to provide for administration of such program with state highway department personnel; to provide for the financing of such program with highway department funds; to provide for retroactive effect to February 1, 1980 and to provide that any reinsurance policies in effect on the effective date of this Act shall continue in force until September 30, 1981.

Ways and Means.

By Rep. Payne:

H. 61. To authorize the Alabama Department of Public Safety to implement a program of public service announcements to promote motorist awareness concerning the increasing number of motorcyclists.

Highway Safety.

By Rep. Payne:

H. 62. To exempt the Lurleen B. Wallace Memorial Cancer Hospital Fund, Inc., from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Rep. Letson:

H. 63. To amend Section 2-22-9, Code of Alabama 1975, relating to the collection of inspection fees for commercial fertilizer; to allow the State Board of Agriculture and Industries to set the inspection fee at an amount no greater than \$.50 per ton.

Agriculture and Forestry.

By Rep. Letson:

H. 64. To amend sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees to \$25.00; to require annual renewal permit fees of \$10.00.

Agriculture and Forestry.

By Rep. Letson:

H. 65. To amend Section 3-15-3, Code of Alabama 1975, relating to the filing fee for public warehouses; to amend Section 8-15-18, Code of Alabama 1975, relating to the requirement for fire and hazard insurance for all goods stored in public warehouses.

Agriculture and Forestry.

By Rep. Whatley:

H. 66. To prescribe the annual salary of the Commissioner of Agriculture and Industries and to provide for the effective date of this Act.

Agriculture and Forestry.

By Rep. Whatley:

H. 67. To amend Section 2-21-24, Code of Alabama 1975, regarding collection of inspection fees by distributors of commercial feed; to allow the State Board of Agriculture and Industries to set the inspection fee at an amount no greater than \$.50 per ton.

Agriculture and Forestry.

By Rep. Whatley:

H. 68. To repeal Sections 8-17-60 through 8-17-64, Code of Alabama 1975.

Agriculture and Forestry.

By Reps. Pegues, Manley, Cosby, Hammett, Dial and Whatley:

H. 69. To amend extensively the "Sunset Act of 1976", in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or non-enumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

Ways and Means.

By Rep. Dixon:

H. 70. To establish the Alabama Board of Hearing Aid Dealers; to provide for a licensing procedure; to provide for the regulation of dispensing and fitting of hearing aids; to provide penalties; and to repeal Section 34-14-1 through Section 34-14-33, Code of Alabama 1975.

Health.

By Rep. Adams (C):

H. 71. To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members; and providing liability insurance protection for county officials, county employees and county property.

Local Government.

By Rep. Dial:

H. 72. Relating to elections and voting in them; providing for the use of electronic voting systems in elections; providing the requirements for these systems; providing those procedures to be used in connection with elections in which these systems are used, including additional procedures for dividing precincts and designating voting places therein; providing election officers for such polling places and prescribing duties and compensation of such election officials.

Constitution and Elections.

By Rep. Whatley:

H. 73. To amend section 2-30-42 of the Code of Alabama 1975 which relates to the Alabama experiment station system, so as to provide for Sub-agricultural experiment stations; to provide for distribution procedures of any appropriations made for maintenance and operation of the experiment station system or of the sub-agricultural experiment stations; and to repeal sections 2-30-60, 2-30-61, and 2-30-62 of the Code of Alabama 1975 which relate to the central artificial insemination unit.

Ways and Means.

By Rep. Kelley:

H. 74. To provide for an additional \$3.00 fee to be charged on each and every quasi-criminal, criminal case and civil action docketed in the courts of the state; to provide that said fee shall be charged and collected as other costs; to provide that all receipts from said \$3.00 fee shall be paid into the "Fair Trial Tax Fund" and shall be in addition to all amounts presently paid into said fund; and to further provide that all receipts from this additional fee collected in the municipal courts shall be distributed in accordance with Section 12-19-251.1, Code of Alabama 1975.

Ways and Means.

By Rep. Kelley:

H. 75. To provide further for the appointment and compensation of counsel for indigent defendants in the courts of this state; providing that the trial court judge shall utilize an affidavit of substantial hardship on a form prescribed by the supreme court in determining the fact of indigency; providing that the affidavit of substantial hardship shall become a part of the court record; providing that the compensation to be paid court appointed counsel shall be computed at the rate of \$20.00 per hour for time reasonably expended out of court and \$40.00 per hour for time expended in court; providing that the total fees awarded to any one attorney shall not exceed \$1,000.00 in cases in the trial courts, \$1,000.00 in cases appealed to the supreme court or court of

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criminal appeals, and \$600.00 in post conviction proceedings; providing that a convicted defendant may be required to reimburse the state for the fees of counsel appointed to represent him; further providing that monies collected from a convicted defendant for the fees of court appointed counsel shall be paid into the fair trial tax fund; and to amend §§ 15-12-5, 15-12-21, 15-12-22 and 15-12-23, Code of Alabama 1975.

State Administration.

By Rep. Holmes:

H. 76. To provide that any appropriation made to private institutions of higher learning shall be made in quarterly, lump sum payments upon the condition that funds are available.

Ways and Means.

By Rep. Holmes:

H. 77. To provide that no person shall knowingly and falsely alter an enrolled Act of the legislature and to set criminal penalties for violation of this Act.

Judiciary.

By Rep. Whatley:

H. 78. Providing for the establishment of the Alabama State Climate Center at Auburn University; designating the center as the State agency to accept federal funds provided by the National Climate Program Act of the 95th Congress (PL 95-367) and designating a framework for the center, with a council and a director.

Agriculture and Forestry.

By Rep. Manley:

H. 79. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

By Rep. Manley:

H. 80. To amend Section 12-16-62, Code of Alabama 1975, relating to exemptions from jury service, so as to exempt certain legislative officers and employees.

Judiciary.

By Rep. Manley:

H. 81. To amend Section 27-29-2, Code of Alabama 1975 (as amended Act Number 80-199, Acts of Alabama 1980), which provides for investments in subsidiaries and affiliates of domestic insurance companies.

Judiciary.

By Rep. Manley:

H. 82. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1980 session of the Legislature, with the exception of the Alabama Business Corporation Act (Act No. 80-633, H. 81, 1980 Regular Session), as contained in the 1980 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement.

Judiciary.

By Rep. Manley:

H. 83. To amend Sections 37-2-41, 37-4-23 and 37-4-24 of the Code of Alabama 1975 relating to inspection and supervision fees paid by transportation companies and utilities and the recovery of delinquent fees.

Judiciary.

By Rep. Manley:

H. 84. To amend Section 16-13-146 Code of Alabama 1975 to increase the interest rate which county and city boards of education may pay on current loans secured in accordance with the provisions of Section 16-13-145, Code of Alabama 1975.

Judiciary.

By Rep. Manley:

H. 85. To amend Section 8-8-10 of the Code of Alabama 1975, relating to interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

Judiciary.

By Reps. Manley and Pegues (With Notice and Proof):

H. 86. Relating to Marengo County; authorizing the county commission to increase the mileage allowance of the county coroner and providing for its retroactive effect.

Local Legislative No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 86, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Manley:

H. 87. To prohibit pyramid sales transactions and to specify penalties for violations thereof.

Judiciary.

By Rep. Manley:

H. 88. To prohibit certain acts relating to tampering with motor vehicle odometers, to require transferor's giving of an odometer certification, recording of mileage on title or bill of sale; and to provide penalties for violation.

Judiciary.

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By Rep. Manley:

H. 89. To amend Section 13A-14-5, Code of Alabama 1975, to further regulate the solicitation of advertisement by any person, firm, corporation, State or Federal Peace Officers Association for any Peace Officers Magazine or Journal, to provide penalties for violation of this Act.

Judiciary.

By Rep. Manley:

H. 90. To provide for a durable power of attorney that may survive disability, incompetency, or incapacity or until actual knowledge of death of the principal.

Judiciary.

By Rep. Manley:

H. 91. To amend 27-3-11, 27-6-3, 27-27-29 and 27-41-4 to permit the use of clearing corporations and book-entry in connection with deposits and investments, and to permit the assets to be reflected on the books of clearing corporations and composed of book-entries.

Insurance.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Manley:

H. 92. Relating to the continued existence and functioning of the State Board of Bar Examiners provided for in Sections 34-3-1 through 34-3-108 of the Code of Alabama 1975, as amended, specifically in Sections 34-3-2 and 34-3-40.

Sunset.

By Rep. Pegues:

H. 93. Relating to the continued existence and functioning of the Board of Dental Scholarship Awards provided for in Sections 16-47-76 through 16-47-81 of the Code of Alabama 1975, and as otherwise provided by law.

Sunset.

By Rep. Manley:

H. 94. Relating to the continued existence and functioning of the Board of Medical Scholarship Awards provided for in Sections 16-47-121 through 16-47-129 of the Code of Alabama 1975, and as otherwise provided by law.

Sunset.

By Rep. Hammett:

H. 95. Relating to the continued existence and functioning of the State Pilotage Commission provided for in Sections 33-4-1 through 33-4-57 of the Code of Alabama 1975, and as otherwise provided by law.

Sunset.

By Rep. Cosby:

H. 96. Relating to the continued existence and functioning of the State Real Estate Commission provided for in Sections 34-27-1 through 34-27-38 of the Code of Alabama 1975.

Sunset

By Rep. Dial:

H. 97. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$100.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure; remove quasi-judicial status and civil immunity status from the board; and require all members of the board to be licensed auctioneers.

Sunset.

By Rep. Whately:

H. 98. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Services as provided in Sections 34-13-1 through 34-13-134 and Sections 34-13-150 through 34-13-152 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-13-4, 34-13-10, 34-13-23, 34-13-28, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131; and to repeal Section 34-13-30 of the Code of Alabama 1975 so as to: Eliminate the requirement of the board to distribute statutes and regulations each four years and instead distribute only upon request; declare certain violations as misdemeanors and allow appropriate prosecution; provide further clarification concerning travel expenses of the board; require annual reporting to the Governor and to the Legislature instead of to the Secretary of State; authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; distribute directory of licensees only on request instead of annually; allow board to increase annual renewal fees for funeral directors and embalmers up to \$25.00 and up to \$100.00 for operators; provide penalties of up to \$25.00 for lapsed licenses; allow board to increase application fees for funeral directors and embalmers up to \$100.00; require board to charge \$15.00 for second or subsequent inspections of prospective licensed establishments; allow board to increase application fee for funeral establishments up to \$300.00; lower minimum age and educational requirements for funeral director or embalmer apprentices; allow board to increase apprentice fees up to \$20.00; require apprentice time to be supervised; and to repeal a provision of law which transferred funds to the board from its predecessor board, the purpose of which has been served.

Sunset.

By Rep. Manley:

H. 99. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners of Mine Personnel as provided in Sections 25-9-9 through 25-9-18. Code of Alabama 1975, as

amended, with certain modifications; to amend Sections 25-9-9 and 25-9-10 of the Code of Alabama 1975, so as to: Authorize the board to increase examination fees not to exceed \$60.00; and to authorize per diem for board members up to the maximum allowed for state employees.

Sunset.

By Rep. Pegues:

H. 100. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Polygraph Examiners as provided in Sections 34-25-1 through 34-25-36 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-25-4, 34-25-5, 34-25-20, 34-25-21, 34-25-24, and 34-25-29, Code of Alabama 1975; and to repeal Section 34-25-3 of the Code of Alabama 1975, so as to: Eliminate the requirement that appointees to the board be approved by the senate; remove the board's authority to set travel and expense allowances; authorize the board to set salaries of its employees and hire temporary investigatory employees; provide further for the collection and use of fees of the board; provide for \$50.00 per day plus mileage allowance for board members when meeting; provide same mileage and per diem travel expenses for board members as are paid to state employees; authorize board to determine which expenses of the board are necessary, subject to state bid law; provide board's purchases may be made through state finance department purchasing agency; exempt board from payment of state sales tax; lower age requirement for examiners from 25 to 21; alter the baccalaureate requirement of examiners; to place board on same fiscal year as the state; and to repeal Section 34-25-3, Code of Alabama 1975, which prescribes the type of instrument examiners must use.

Sunset.

By Rep. Dial:

H. 101. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons as provided in Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 2-28-1, 2-28-4, 2-28-7, 2-28-8 and 2-28-10 of the Code of Alabama 1975 so as to: delete the definition of "suboffice"; authorize a fee for each examination given by the board; to authorize the denial or revocation of certificates or licenses of individuals regulated by the board; to authorize the board to provide for reciprocal agreements with other states; and increase existing bond coverage and provide for insurance for products liability for licensees of the board.

Sunset.

By Rep. Hammett:

H. 102. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-4, 34-29-20, 34-29-41, and 34-29-45 of the Code of Alabama 1975, so as to: limit board members to two terms; and authorize the board to increase the following fees: (1) examination fee for veterinarians, not to exceed \$50.00; (2) annual renewal fees for veterinarians, not to exceed \$25.00; (3) examination fee for animal technicians, not to exceed \$25.00; and (4) annual renewal fees for animal technicians, not to exceed \$15.00.

Sunset.

By Rep. Dial:

H. 103. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Speech Pathology and Audiology as provided in Sections 34-28A-1 through 34-28A-44 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-28A-21, 34-28A-23, 34-28A-24 and 34-28A-40 of the Code of Alabama 1975, so as to: Require applicants to pass an examination approved or promulgated by the board; remove requirement of board to maintain permanent records of all examination scores; provide that four (4) board members constitutes a quorum; and delete a waiver of examination provision (grandfather clause) which has served its purpose.

Sunset.

By Rep. Whitley:

H. 104. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-7-1, 34-7-4, 34-7-7, 34-7-11, 34-7-16, 34-7-17, 34-7-19, 34-7-21, 34-7-24, 34-7-40, and 34-7-46, Code of Alabama 1975; and to repeal Sections 34-7-8, 34-7-13, 34-7-14, 34-7-22, and 34-7-23, Code of Alabama 1975, so as to: Provide further for the definitions and add two (2) new definitions of "master cosmetologist" and "booth rentals"; provide further for the qualifications of applicants of the board; remove the test for syphilis on the physician's report of applicants; provide for biennial fees and authorize the board to increase fees up to certain amounts; exempt classes of public school boards of education and public trade schools from various provisions of article 7 of Title 34; provide further requirements of temporary licensing; authorize the board to prorate fees in the implementation of biennial licensing; remove subpoena power from board in relation to refusal, revocation or suspension of licenses or certificates; further define exempted occasional hair dressers who receive no compensation; provide all board members must be licensed cosmetologists and need not be at least 25 years of age; provide that board investigations must be initiated by a majority of the board members; and repeal various code sections which are either redundant or superfluous, or have served their intended purposes; and to eliminate county exemptions so as to provide for statewide application of article 7 of Title 34 of the Code of Alabama 1975.

Sunset.

By Rep. Pegues:

H. 105. To Terminate the existence and functioning of the State Board of Registration for Sanitarians, and to transfer its training funds or monies, duties and functions to the State Health Department.

Sunset.

By Rep. Cosby:

H. 106. To repeal Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, as amended, so as to terminate the existence and functioning of the Alabama Board of Social Work Examiners, to provide for an effective date, and to revert any monies of said board to the state general fund.

Sunset.

By Rep. Hammett:

H. 107. To repeal Sections 10-4-360 through 10-4-364 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Yacht Club Association and to provide for an effective date.

Sunset.

By Rep. Whatley:

H. 108. To terminate the state agency for social security, and its advisory board, created by Section 36-28-3, Code of Alabama 1975, and to transfer the functions, duties and responsibilities, including any federal contractual obligations, to the state retirement systems; to provide that all monies collected by the board, and thereafter by the retirement systems, shall be transferred to the state treasury and that any accrued interest thereon shall be credited to the state general fund, and to provide that the provisions hereof shall become effective September 30, 1981.

Sunset.

By Rep. Campbell (With Notice and Proof):

H. 109. Relating to Calhoun County; to levy a privilege or license tax upon the sale, distribution or storage of beer; to fix the amount or rate of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 109, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Langford, Wyatt, McKee, Turner, Kennedy, Clark (G), and Dixon:

H. 110. To amend Section 36-25-1 of the Code of Alabama 1975 relating to the state ethics law so as to further provide for the definition of public employee.

Judiciary.

By Rep. Hall:

H. 111. To amend section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

Highway Safety.

By Rep. Hall:

H. 112. To amend section 16-8-2 of the Code of Alabama 1975 relating to the election and terms of the members of the several county Boards of education in this state, so as to provide further for the terms of office of such members.

Education.

By Rep. Hall:

H. 113. To amend Section 28-3-42, Code of Alabama 1975, which provides for the administrator of the Alcoholic Beverage Control Board, so as to provide that his appointment shall be made under the provisions of the state merit system.

State Administration.

By Rep. Hall:

H. 114. To amend section 40-17-73 of the Code of Alabama 1975, as amended, relating to the disposition of 55 percent of net gasoline tax proceeds so as to provide further for the disposition of a certain portion of such proceeds.

Ways and Means.

By Rep. Pegues:

H. 115. To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901.

Local Government.

The above bill was read a first time at length as required by the Constitution.

By Reps. Patton, Payne, Bedsole and Amari:

H. 116. To amend Section 12-15-58 of the Code of Alabama 1975, relating to children taken into custody, so as to require a detention hearing for children charged with a Class A Felony.

Judiciary.

By Reps. Patton, Payne, Bedsole and Amari:

H. 117. To amend Section 44-1-20, Code of Alabama 1975, regarding the creation of the Youth Services Department, so as to place said department under the control of the Governor; to amend Section 44-1-21, Code of Alabama 1975, regarding the department's director, so as to delete the Youth Services Board's authority of removal; to amend Section 44-1-50, Code of Alabama 1975, regarding the creation of the board, so as to make the board advisory in nature; to amend Section 44-1-51, Code of Alabama 1975, regarding membership, officers, term, compensation and records of the board, so as to restructure the membership and duties of the board; to repeal Section 44-1-52, Code of Alabama 1975, relating to powers of the board; to repeal Section 44-1-53, Code of Alabama 1975, relating to meetings and quorum of the board; to repeal Section 44-1-54, Code of Alabama 1975, regarding court review of board decisions; to repeal Section 44-1-55, Code of Alabama 1975, regarding board reports to the Governor; and to repeal Section 44-1-56, Code of Alabama 1975, regarding board budget requests.

Judiciary.

By Reps. Patton, Payne, Bedsole and Amari:

H. 118. To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination or conviction.

Judiciary.

By Reps. Patton, Payne, Bedsole and Amari:

H. 119. To amend Section 12-15-34, Code of Alabama 1975, relating to the transfer of cases from juvenile court to criminal court, to provide that once a child has been transferred to criminal court, all subsequent criminal action against said person shall be tried in criminal court.

Judiciary.

By Reps. Patton, Payne, Bedsole and Amari:

H. 120. To amend Section 12-15-33 of the Code of Alabama 1975, which relates to the transfer of cases to juvenile court from other courts, so as to empower district, circuit and municipal court judges to transfer cases involving 16 and 17 year olds to juvenile court.

Judiciary.

By Reps. Patton, Cosby, Payne, Bedsole and Amari:

H. 121. To amend Sections 12-15-1 and 12-15-32 of the Code of Alabama 1975, relating to juvenile proceedings, so as to revise the age of juveniles.

Judiciary.

By Reps. Patton, Payne, Bedsole and Amari:

H. 122. To amend Section 12-15-10, Code of Alabama 1975, relating to liabilities of counties concerning juvenile court costs, so as to extend said liabilities to municipalities.

Judiciary.

By Reps. Buskey and Kennedy (With Notice and Proof):

H. 123. Relating to any Class 2 municipality in the state of Alabama; providing that a public referendum shall be held to select a new form of government and the method of the election of the officials thereof; to provide further that in the event that this Act becomes effective, the people of any such city shall choose in a referendum election between a Commission-District form of government as provided for in this Act and a Mayor-Council form of government as provided for in this Act; to define and provide for the legal status, form of government, method of electing certain officials thereof, and the powers of any such city under whichever form of government shall be chosen by the people of such city. Further, to provide that if the people of any such city should select as the governing body a District-Commission form of government that the form of government for such city shall be known as the District-Commission form of municipal government; to define and provide the legal status, form of government and powers of any such city under the District-Commission form of government; to provide as the governing body of any such city a city commission; to provide for a city commission of three members, their election and terms of office; to provide the functions, duties, powers and authority of the city commission; to provide for the election, appointment or designation of officers, officials and employees of such city and for their qualifications, duties, functions, powers and authority; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption, and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the requirements and

procedures for initially establishing and reapportioning the commission districts; to provide for terms and effects of succession in government of any such city adopting the District-Commission form of government; to make various other provisions for any such city adopting the District-Commission form of government and the government thereof; and to provide for the means of abandoning the District-Commission form of government and the adoption by any such city of other forms of municipal government in lieu thereof. Further, to provide that if the people of any such city should select as the governing body a Mayor-Council form of government that the form of government for such city shall be known as the Mayor-Council form of municipal government; such government consisting of a mayor elected by all qualified voters of the city and nine council members each elected solely by the qualified voters of the single-member district in which he or she resides; providing the qualifications for and the method of electing and terms of the mayor and council members; defining the legal status of the mayor-council government; establishing the organization of the mayor-council government and the powers and duties of the mayor and council; establishing and defining the powers and duties of a city clerk, a chief administrative assistant to the mayor, and executive secretary and a director of finance; establishing rules and procedures for the enactment of ordinances, the preparation and approval of city budgets, and the conduct of the city's business; establishing and defining the responsibilities of various executive departments and divisions of the city; providing rights, obligations and procedures for succession in government during the transition to the mayor-council form of government; and procedures for initially establishing and reapportioning the council districts; and to provide for the means of abandoning the mayor-council form of government and the adoption by any such city of other forms of municipal government in lieu thereof.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 123, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. McKee:

H. 124. To make an appropriation from the State General Fund for the relief of John W. Bailey who contracted Histoplasmosis in line of duty and was forced to retire from employment with the State of Alabama.

Ways and Means.

By Rep. McKee:

H. 125. To amend further Sections 11-46-92, 11-46-93, 11-46-96, 11-46-98, 11-46-99, 11-46-107, 11-46-109, 11-46-112 and 11-46-126, Code of Alabama 1975, as amended, which Sections relate to cities and towns which have a population of 300,000 inhabitants or less which are organized under a commission form of government, so as to improve and clarify such election procedures.

Constitution and Elections.

By Rep. McKee:

H. 126. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

State Administration.

By Rep. McKee:

H. 127. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality, and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality, such agency or such municipal public corporation under authority of laws other than this act.

Local Government.

By Rep. McKee:

H. 128. To amend the title and sections 1, 2, 6 and 7 of Act No. 80-739, S. 403, of the 1980 Regular Session now appearing as sections 40-17-160 through 40-17-166 of the Code of Alabama 1975 relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles, provide further for decals to be placed on such vehicles, provide certain exemptions from taxation of such gas, and to provide further for penalties for the violation of the provisions of the act.

Ways and Means.

By Rep. McKee:

H. 129. To amend further Sections 11-46-21, 11-46-22, 11-46-25, 11-46-27, 11-46-28, 11-46-36, 11-46-38, 11-46-41 and 11-46-55, Code of Alabama 1975, which Sections relate to election procedures in cities and towns of this state which have a population of 300,000 inhabitants or less, except cities and town organized under a commission form of government, so as to improve and clarify such election procedures.

Constitution and Elections.

By Rep. McKee:

H. 130. To amend Section 18-1-18, Code of Alabama 1975, which Section relates to awards in condemnation cases so as to permit the commissioners to consider the value of incidental benefits which may accrue to the landowners or their remaining lands because of the use or uses for which the lands are to be taken.

Judiciary.

By Rep. Sasser:

H. 131. To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of exempting from taxation the motor fuel known as "gasohol," as defined herein, and to exempt "gasohol" manufactured or distilled in another state, if that state exempts gasohol manufactured or distilled within the State of Alabama.

Ways and Means.

By Rep. Sasser:

H. 132. To amend Sections 12-16-100 and 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Judiciary.

By Rep. Biddle:

H. 133. To amend further Section 40-23-2, Code of Alabama 1975, which relates to the state sales tax levied on the gross receipts on the sale of certain items, so as to provide for an increase in the tax levied in subsection (5) thereof on the sale of food or food products from coin-operated vending machines.

Ways and Means.

By Rep. Biddle:

H. 134. To make it unlawful for any person, firm, partnership or corporation to have an unauthorized flashing or rotating blue light operating within a certain distance of the right-of-way of any public street, road or highway and to prescribe penalty for violation.

State Administration.

By Rep. Biddle:

H. 135. To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

State Administration.

By Rep. Turner:

H. 136. To repeal Sections 40-15-1 through 40-15-21, Code of Alabama 1975, which provides for the state estate and inheritance tax.

Ways and Means.

By Rep. Minus (With Notice and Proof):

H. 137. Relating to Sumter County; prescribing certain limitations on procedures for extending the corporate limits and boundaries of incorporated municipalities in said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 137, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 138. Relating to Choctaw County; to provide for the replacement of casings in certain wells located in the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 138, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 139. Relating to Sumter County; to provide for the replacement of casings in certain wells located in the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 139, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 140. Relating to Sumter County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 140, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens:

H. 141. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the State Mental Health Officer, the Director of Finance, a designee of the Lieutenant Governor from the membership of the Alabama Senate and a designee of the Speaker of the House of Representatives from the membership of the said House to become a corporation to be known as the Alabama Mental Health Finance Authority;

to prescribe the manner of formation of said Authority; to prescribe the powers of the Authority, including the power to issue and sell bonds and to loan the proceeds thereof to the Alabama Mental Health Board for construction, reconstruction, alteration and improvement of buildings and other facilities, including the procurement of sites and equipment therefor, for mental health purposes in the State; to provide for the execution, form and terms of the bonds of the Authority; to provide that such bonds shall bear interest at a rate or rates not to exceed twelve percent (12%) per annum; to provide that such bonds and the interest thereon shall be payable solely from the revenues and receipts of the Authority under its loan agreements with the Alabama Mental Health Board and that such bonds shall nevertheless constitute negotiable instruments; to authorize the Authority to pledge and assign its loan agreements with the Alabama Mental Health Board as security for the payment of the principal and interest on the bonds of the Authority; to provide that such bonds shall not be debts or obligations of the State; to provide that such bonds and the income therefrom shall be exempt from taxation, and that such bonds may be used to secure deposits of funds of the State and its political subdivisions, instrumentalities and agencies and for investment of fiduciary funds; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to provide that the State Treasurer or a corporate trustee shall be custodian of the funds of the Authority; to provide that all bonds of the Authority may be refunded by the issuance of refunding bonds; to authorize the Authority to borrow money for temporary use in anticipation of the issuance and sale of its bonds; to provide for exemption of the properties, income and filings of the Authority from taxation; to provide for disposition of funds and properties of the Authority when its bonds have been paid or provided for; and to provide for the dissolution of the Authority.

Ways and Means.

By Rep. Owens:

H. 142. To amend Section 22-50-1, Code of Alabama 1975, by adding a definition of the Alabama Mental Health Finance Authority ("Authority") thereto; to authorize and empower the Alabama Mental Health Board ("Board") to enter into one or more loan agreements with the Authority under the terms of which the Board may borrow from the Authority proceeds of bonds issued by the Authority for the purpose of obtaining funds with which to pay for construction, reconstruction, alteration and improvement of buildings and other facilities for mental health purposes in the State, including the procurement of sites and equipment therefor; to authorize the Board to give promissory notes and other instruments and agreements to the Authority in connection with such loan agreements in order to evidence its obligation to pay to the Authority, in consideration of the loan or loans received by the Board, amounts sufficient to permit the Authority to pay the debt service on the bonds of the Authority secured by the particular loan agreement or agreements; to provide that other terms of loan agreements shall be determined by the board of directors of the Board; to provide that the obligations of the Board under such loan agreements and related instruments are exempt from all laws of the State governing usury or otherwise limiting interest rates, to provide that such obligations are solely obligations of the Board and are not obligations or debts of the State; to provide that no public hearing or consent of any body other than the board of directors of the Board is prerequisite to the entry by the Board into any loan agreement with, or the giving of any related instrument to, the Authority; to provide that to secure its obligations to the Authority under any loan agreements, the Board may pledge any and all of its revenues and receipts that are not prohibited by law from being

so pledged, such revenues, however, to be so committed only when actually received by the Board, except that the Board may pledge anticipated revenues from specified taxes; to make an appropriation of portions of such taxes first for such purpose and secondly for other lawful purposes of the Board; and to direct the State Treasurer, from and after the entry by the Board into any loan agreement, to deposit the pledged revenues from the said taxes directly into any revenue fund, debt service fund or reserve fund established under any such loan agreement or any indenture relating to the bonds of the Authority.

Ways and Means.

By Rep. Owens:

H. 143. To amend section 28-3-202 of the Code of Alabama, 1975, relating to the levy, collection and disposition of a tax on the selling price of all spirituous or vinous liquors sold by the Alabama alcoholic beverage control board, by deleting the provision therein directing that a remainder portion of the proceeds derived from said tax be paid to the credit of the special mental health fund to be used for mental health purposes, including certain specified purposes, and substituting therefor a provision requiring that such remainder portion of the proceeds be used to pay the principal and interest, upon respective maturities, on the bonds issued pursuant to Act No. 377 of the 1959 Regular Session and the residue thereafter remaining to be paid directly to the Alabama mental health board, provides, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such portion as would otherwise be paid directly to the board into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under any such loan agreement or agreements with the Alabama mental health finance authority and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Ways and Means.

By Rep. Owens:

H. 144. To amend section 28-3-204 of the Code of Alabama 1975, relating to the levy, collection and disposition of a tax on the selling price of all spirituous or vinous liquors sold by the Alabama alcoholic beverage control board, by deleting the provision therein directing that a portion of the proceeds derived from said tax be paid to the credit of the special mental health fund to be used for mental health purposes, including certain specified purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreement with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance

authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Ways and Means.

By Rep. Owens:

H. 145. To amend section 40-1-31 of the Code of Alabama, 1975, relating, in part, to the distribution of revenues derived from taxes levied under sections 40-21-56, 40-21-57, 40-21-58, 40-21-60 and 40-21-61, by deleting the provision in subsection (1) of 40-1-31 directing that a portion of the revenues, after deduction of the cost of collection, be deposited in the special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into a one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any such loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Ways and Means.

By Rep. Owens:

H. 146. To amend section 40-23-50 of the Code of Alabama 1975, relating to the levy and disposition of a privilege or license tax on the gross receipts of the business of certain highways and bridge contractors, by deleting the provision therein directing that a portion of the proceeds of said tax be paid to the credit of the Alabama special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority; and to correct a typographical error in subsection (d).

Ways and Means.

By Rep. Owens:

H. 147. To amend section 40-21-55 of the Code of Alabama, 1975, relating to the disposition of the receipts of a tax on the gross receipts of electric or hydroelectric public utilities levied under section 40-21-53, by deleting the provision therein directing that a portion of said tax be deposited in the Alabama special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under any such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services, and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such tax agreement or agreements with the Alabama mental health finance authority.

Ways and Means.

By Rep. Owens:

H. 148. To amend section 40-21-51 of the Code of Alabama 1975, relating to the disposition of the receipts of an excise tax on the gross receipts of certain public utilities levied by section 40-21-50, by deleting the provision therein directing that a portion of said tax be deposited in the Alabama special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under any such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Ways and Means.

By Rep. Owens:

H. 149. To amend portions of section 40-25-23 of the Code of Alabama, 1975, relating to the disposition of revenues of the privilege tax levied by section 40-25-2 on those who sell, store or receive tobacco products for distribution and the excise tax levied by section 40-25-41 on the storage, use or other consumption of tobacco products purchased at retail, by deleting any reference in said section 40-25-23 to the "general and mental health fund" and providing that the portions of the revenues of said taxes heretofore passing through the "general and mental health fund" before payment thereof to the Alabama mental health board and state health officer in the

respective proportions and for the purposes provided, are appropriated to and shall be paid to the said board, or in some instances into designated funds and said officer without passing through the aforesaid "general and mental health fund"; to delete any requirement that the mental health board devote any percentage of the revenues accruing to it under this section to provision of mental health services for the mentally retarded and to provide, instead, that such revenues shall be paid directly to the board, provided, however, that upon the by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any such loan agreement or agreements, the state treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority; and to delete reference to a contingent distribution of a portion of revenues for the payment of principal and interest on bonds of the Alabama mental health building authority.

Ways and Means.

By Rep. Owens:

H. 150. To provide further for the annual salaries of certain constitutional officers of this state.

Ways and Means.

By Rep. Owens:

H. 151. To amend Section 4-2-31, Code of Alabama 1975, which relates to the organization of the Aeronautics Commission, so as to change the provision for monthly meetings to quarterly meetings.

Ways and Means.

By Rep. Owens:

H. 152. To amend Sections 2-5-3 and 2-5-4 of the Code of Alabama 1975 so as to raise the per diem of appointive members of the Farmers' Market Authority and to increase the salary of the administrator of the Farmers' Market Authority.

Ways and Means.

By Rep. Owens:

H. 153. To amend Section 36-26-5 of the Code of Alabama 1975 relating to the state personnel board so as to further provide for the election of two state employees to the board.

State Administration.

By Reps. Edwards, Grouby and Blake:

H. 154. To establish standards under which municipalities, in Classes 7 and 8, may purchase personal services or personal property from the elected officials of such municipalities; to require disclosures; to establish procedures; and to repeal conflicting laws and statutes.

Local Government.

By Reps. Edwards, Warren and Cosby:

H. 155. To amend Section 41-16-52, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to increase the present limits on expenditures for repair or lease of heavy duty off-highway construction equipment that may be made without the requirement of competitive bids being taken from \$1,500 to \$6,000 on parts and repair and from \$1,500 to \$3,000 per month on the lease of such equipment.

Local Government.

By Rep. Edwards:

H. 156. To amend Section 11-43-4, Code of Alabama 1975, to provide that the clerk and other officers of a city or town elected by the council shall serve until their successor or successors are elected and qualified.

Local Government.

By Reps. Edwards, Grouby, Gilmer, Blake, Wyatt, Dial, Cosby and Cates:

H. 157. To amend Section 31-6-9, Code of Alabama 1975, which section relates to certain educational benefits for wives, widows or dependents of Alabama veterans under Title 31, Chapter 6 of the Code of Alabama 1975, so as to provide that those dependents shall not lose benefits because of an interruption in schooling due to illness.

Education.

By Rep. Roberts:

H. 158. To amend the title and section 1 of Act No. 79-611, H. 239, 1979 Regular Session (Acts 1979, p. 1081), now appearing in Section 36-27-15.2, Code of Alabama 1975, relating to the granting of creditable service in the retirement systems for service out-of-state, so as to provide for the transfer from the teachers' retirement system to the employees' retirement system and vice versa.

Ways and Means.

By Rep. Amari:

H. 159. To provide for the regulation of the practice of occupational therapy; to provide for the establishment of the Alabama State Board of Occupational Therapy, its terms of office, vacancies, and removal of members, and their powers, duties and compensation; to provide requirements for licenses to practice occupational therapy; to prescribe qualifications of applicants, examination as a requirement for licensure, waiver of requirements, and persons and practices not affected by this Act; to provide for issuance of a license and cause for suspension, revocation and renewal of license; to provide for fees; to provide penalties for violations of this Act; and to provide for appeal or review.

Health.

By Reps. Amari, Waggoner, Bennett, Holley, Trammell, Patton and Smith (J):

H. 160. To provide that the state agencies, departments, boards or commissions may purchase liability insurance or be the self-insurer of the wrongful acts or omissions committed by their employees, agents, or servants while in the performance of their official duties in the line and scope of their

employment; to establish the procedure for notification of the state Attorney General of suits against state employees for acts committed in the line and scope of their performance; and to provide that the charges or costs of such liability insurance of self insurance shall be borne from the general operating funds of the various state agencies, boards, commissions or departments.

Ways and Means.

By Reps. Bennett and Zoghby:

H. 161. To amend Section 16-28-4 of the Code of Alabama 1975, providing for the minimum age at which a child may enter school so as to provide that a child who moves into this state having completed a mandated public kindergarten program in another state shall be admitted to school regardless of age.

Ways and Means.

By Rep. Waggoner (With Notice and Proof):

H. 162. To repeal Act No. 707 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, pp. 1249 and 1250).

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 162, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner:

H. 163. Relating to the practice and profession of personal property appraising; defining the practice and profession of personal property appraising; providing for the licensing, examination and regulation of personal property appraisers; creating the Alabama State Board of Appraisers and prescribing its powers, duties and authority; providing for the issuance of licenses and certificates of competency of appraisers; prescribing qualifications of appraisers; providing for the collection and disbursement of examination and other fees and charges; providing for the enforcement of this act and prescribing penalties for violations thereof.

Ways and Means.

By Rep. Waggoner:

H. 164. Relating to the real estate business in Alabama; amending §§ 34-27-7 and 34-27-31 through 34-27-35 in order to increase the size of the Alabama real estate commission, provide further for the terms of office of the members of such commission, and for the performance of their duties; and to regulate further the licensing of persons engaged in the real estate business in this state and to increase certain fees in relation to such licensing.

Ways and Means.

By Rep. Waggoner:

H. 165. To create the Alabama board of optometric scholarship awards and to make an appropriation from the Alabama special educational trust fund to such board for the financing and administering of scholarship loans.

Ways and Means.

By Rep. Waggoner:

H. 166. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

Banking.

By Reps. Cosby, Gilmer and Brakefield:

H. 167. Proposing an amendment to the Constitution of 1901 which provides a means of adopting local amendments to the Constitution at local elections.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Cosby, Edwards, Zoghby, Parker, Minus, Johnson (R. G.), Shoemaker and Bennett:

H. 168. To provide for an orientation meeting of the legislature during the period of time between the election and the organizational session.

Ways and Means.

By Reps. Cosby, Edwards and Pegues:

H. 169. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

Judiciary.

By Rep. Gafford:

H. 170. To amend Section 36-26-15, Code of Alabama 1975, which provides for the process of merit system examinations for state employment registers for positions in classified service and gives preferences to veterans, so as to give five points to persons who do not receive retirement benefits from any source whatsoever.

State Administration.

By Rep. Gafford:

H. 171. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

Judiciary.

By Rep. Gilmer (With Notice and Proof):

H. 172. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Glen Allen, in Fayette County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 172, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK.

By Rep. Gilmer (With Notice and Proof):

H. 173. Relating to Lamar County; to provide further for the compensation of certain election officers.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 173, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK.

By Reps. Bedsole, Harper (T), Zoghby, Bennett, Daniels, Dixon, Clark (G), Turnham, Stewart, Warren, Ward, Laird, Hammett, Cosby, Lewis, Horn and Dial:

H. 174. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

Education.

By Rep. Dixon:

H. 175. To allow persons seventeen years of age or older to donate blood without parental permission.

Health.

By Rep. Dixon:

H. 176. To amend Section 34-24-58, Code of Alabama, 1975, as amended, to provide that all information, interviews, reports, statements, memoranda or other data furnished to any committee as defined in this section, and any findings, conclusions, or recommendations resulting from the proceedings of any such committee shall not be subject to subpoena or discovery in any proceeding, civil or criminal, in any court, whether a court of record, a grand jury investigation, a coroner's inquest or any proceeding or hearing before any public officer or administrative agency of the state or any political subdivision thereof.

Judiciary.

By Rep. Dixon:

H. 177. To amend Section 6-5-332 of the Code of Alabama 1975 which limits the liability of certain "Good Samaritans" rendering aid at the scene of an accident so as to provide further for those included under such section.

Judiciary.

By Rep. Naramore:

H. 178. This bill provides for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The

Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

State Administration.

By Rep. Naramore:

H. 179. To amend Section 37-3-4 of the Code of Alabama 1975 so as to clarify the exemption from Public Service Commission regulation for motor vehicles for hire while operating between two or more contiguous municipalities.

Commerce and Transportation.

By Rep. Naramore:

H. 180. To make an additional appropriation to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund, for salaries and certain other expenses for the fiscal year ending September 30, 1981.

Ways and Means.

By Rep. Naramore:

H. 181. To amend Section 37-3-31 relating to Public Service Commission appropriations and Section 37-3-32 increasing the registration fees of motor carrier vehicles.

Ways and Means.

By Rep. Naramore:

H. 182. To amend Section 37-1-66 relating to the powers of members of the Enforcement Division of the Public Service Commission.

State Administration.

By Rep. Naramore:

H. 183. To amend Section 13-6-157 of the Code of Alabama 1975 which regulates sales of pistols in this state so as to provide further for such regulation.

State Administration.

By Reps. Naramore, Brakefield, Bowling, Biddle, Waggoner, Gafford and Moore:

H. 184. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et. seq., and any

valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

Judiciary.

By Rep. Cheatwood:

H. 185. To continue the Surface Mining Reclamation Commission as it was established under Act No. 551 with additional responsibility and authority to conform to the State's regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and to make the State eligible for federal funding to develop and implement programs to achieve these purposes; and

To repeal Act. No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

Judiciary.

By Reps. Zoghby, Kennedy, Escott, Bedsole, Ward, Stewart, Bennett, Parker, Harper (T), Smith (M), Riddick and Smith (J):

H. 186. To establish the "Protection from Abuse Act"; to provide for proceedings to bring about the cessation of abuse from a family violence disturbance; to provide for hearing, and including the following: injunctive relief directing defendant to refrain from abusing plaintiff, temporary orders of relief granting possession to the plaintiff of a residence or household to the exclusion of defendant, the awarding of temporary custody of and/or temporary visitation rights regarding minor children, temporary support for plaintiff and/or minor children, and emergency relief in an ex parte proceeding; and to provide that the defendants in such proceedings shall have the same rights, remedies and due process, where any wrongful action is instituted, as any defendant in other civil and criminal action.

Judiciary.

By Reps. Zoghby, Parker and Stewart:

H. 187. To amend Section 40-18-27, Code of Alabama 1975, which requires all taxpayers with certain yearly net incomes to file annual state tax returns, so as to raise the net income exclusion for individual taxpayers age 65 years and older; and to provide a termination date.

Ways and Means.

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By Reps. Zoghby, Parker and Stewart:

H. 188. To amend Section 40-18-29, Code of Alabama 1975, which provides for fiduciaries making tax returns for taxpayers for whom they are acting, so as to increase the annual exclusion of taxpayers age 65 and older; and to provide for a termination date.

Ways and Means.

By Reps. Zoghby, Parker and Stewart:

H. 189. To amend Section 40-18-19, Code of Alabama 1975, which provides for certain exemptions from income taxation allowed to taxpayers, so as to increase the personal exemption allowed for persons age 65 and older; and to provide for a termination date.

Ways and Means.

By Rep. Zoghby:

H. 190. To amend Section 23-4-20 of the Code of Alabama 1975, relating to the vacation of streets or alleys, by providing that the governing body of a municipality wherein a street or alley is located, or the governing body of a county if such street or alley is located outside the city limits of a municipality, may require the payment of the value of such land being vacated to such municipality or county; and to further provide that such vacation shall not affect the continuing existence in said vacated land of a right-of-way or easement for existing utility installations and any sanitary or storm sewer.

Local Government.

By Reps. Payne, Trammell, Olive and Cheatwood (With Notice and Proof):

H. 191. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

State Administration.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 191, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK.

By Rep. Dixon:

H. 192. To delete the requirement that physicians be certified in the subspecialty of oncology to dispense cannabis under the Controlled Substances Therapeutic Research Act; to provide that the State Board of Medical Examiners may apply to contract with the National Institute of Drug Abuse for receipt of cannabis; to provide that the Board may formulate and promulgate such guidelines as are necessary for dispensing cannabis; and to provide that the Board may establish the rules and regulations requiring accurate reporting and accountability by each practitioner.

Health.

By Reps. Kennedy, Zoghby, Stewart, Warren, Turner, Langford, Clark (G), Penry, Wyatt, Buskey, Edwards, Howard, Horn, Pegues, Bedsole and Coburn:

H. 193. To create a State Department of Human Services, a State Board of Human Services, county departments of human services, and county boards of human services; to create the chief executive officer who shall be known as the Commissioner of the State Department of Human Services who shall exercise all the rights, powers, authority, and duties thereof; to define the powers and duties of the State Department, of the State Board, of the county departments, and of the county boards; to transfer and confer upon the Department of Human Services all the powers and duties now or hereafter vested in the Department of Pensions and Security; and to provide that the Department of Human Services be substituted for Department of Pensions and Security in any litigation pending to which the Department of Pensions and Security is a party.

State Administration.

By Reps. Williams, Sasser and Daniels:

H. 194. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1982, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Ways and Means.

By Rep. Cates:

H. 195. To provide that any member of the teacher's retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

Insurance.

By Rep. Cates:

H. 196. To provide that any annually appropriated funds allocated to local boards of education, except funds specified to be spent for personnel salaries, may be transferred between and among line items, provided that such transfer shall not exceed twenty (20) percent of the amount appropriated for each line item and to further provide that such limitation shall not apply during years in which proration is declared.

Ways and Means.

By Rep. Cates:

H. 197. To amend Code of Alabama 1975, Section 16-25-11, which relates to the Teachers' Retirement System; and Section 36-27-11 which relates to the Employees' Retirement System amending said sections so as to extend the period of eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1981, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

Ways and Means.

By Reps. Bennett, Cosby, Waggoner, Amari, Zoghby, Stewart and Harper (T):

H. 198. To authorize the sale and issuance of \$5,000,000 principal amount of general obligation bonds of the state of Alabama to be distributed to the Alabama Historical Commission for the purpose of historic preservation; to pledge the full faith and credit of the state for payment of the principal of and interest on said bonds; to create a bond commission with authority to specify the details of and to make provisions for the sale of and to sell said bonds; and to make provision for the terms, execution and issuance of said bonds and the use of the proceeds therefrom.

Ways and Means.

By Reps. Bennett, Cosby, Waggoner, Amari, Zoghby, Stewart and Harper (T):

H. 199. Proposing an amendment to the Constitution of Alabama 1901 authorizing the issuance of not exceeding a total of \$5,000,000 principal amount of general obligation bonds of the state of Alabama to be used for historic preservation purposes by the Alabama Historical Commission.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Bennett:

H. 200. To propose a constitutional amendment amending further Section 217, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 325 and Constitutional Amendment No. 373, relating to ad valorem property taxes levied by the state and all counties, municipalities and other local authorities, so as to allow the tax assessor of the various counties to define, classify, value and assess a single family owner-occupied residential property as a portion or part of improvements to land.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Bennett:

H. 201. To amend Section 40-7-9, Code of Alabama 1975, relating to the tax assessor's authority to correct an error in computing taxes due, so as to cover additional types of taxes; to provide an alternate method of refund and to define certain terms.

Local Government.

By Rep. Bennett:

H. 202. To provide that the Public Service Commission, Division of Pipeline Safety, shall promulgate and enforce safety standards and regulations pertinent to the use of natural gas in certain public buildings; to prescribe a penalty for violation of such standards and regulations and to make an appropriation for the hiring of qualified staff inspectors and otherwise effectuating this act.

Ways and Means.

By Rep. Bennett:

H. 203. To provide for the payment by any gas system operated by any investor-owned company, county, municipality, or public gas district which comes under the supervision of the Alabama Public Service Commission for the purpose of enforcing the Natural Gas Pipeline Safety requirements of Section 37-4-80, et sequence, Code of Alabama 1975 of a fee of \$.25 per active connected meter per year for each active connected meter in said system.

Ways and Means.

By Rep. Bennett:

H. 204. Requiring pipeline systems transporting hazardous liquids to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this Act; prescribing jurisdictions of courts for injunction proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

Commerce and Transportation.

By Rep. Bennett:

H. 205. To amend Code of Alabama, 1975, § 16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

Education.

By Rep. Cheatwood:

H. 206. To amend paragraph (e) of Section 16-25-14, Code of Alabama, 1975 so as to remove the penalty for disability retirement benefits.

Ways and Means.

By Rep. Bedsole:

H. 207. To amend Title 9, Section 11, Subsection 87, of the Code of Alabama, 1975 so as to allow the taking of fish from water by a spear or similar instrument both by hand and propelled by a projectile.

Natural Resources.

By Rep. Whatley:

H. 208. To amend Section 7-2-316 of the Code of Alabama of 1975 relating to exclusion or modification of warranties so as to provide that with respect to the sale of cattle, swine, sheep, goats, horses, mules and asses, there shall be no implied warranty that such animals are free from diseases.

Agriculture and Forestry.

By Rep. Howard:

H. 209. Relating to Jefferson County; defining, regulating the profession and licensing of barbers and barber colleges; establishing a barbering commission; defining the powers and duties of said commission; prescribing the functions of the county commission, the treasurer and the judge of probate relating to the barber commission; and providing penalties for violations.

Local Legislation No. 2.

By Reps. Blake, Harper (O), Crow, Grouby, Dial, Shoemaker, Johnson (R. G.), Mitchell, Minus, Drinkard, Lewis, Edwards, Cabaniss, Adams (H), Clark (G), Ford and Cosby:

H. 210. To amend Section 9-11-194 of the Code of Alabama 1975, relating to the marking of licensed, wire fish baskets so as to provide that the location of said baskets shall not be required to be marked with a buoy or float.

Natural Resources.

By Rep. Greer:

H. 211. To provide that prisoners of war shall be entitled to the issuance of special license plates.

State Administration.

By Rep. Horn:

H. 212. To provide procedures for the expenditure of funds appropriated to replace fees and place restrictions on the collection of fees and fund-raising activities in public elementary and secondary schools.

Education.

By Reps. Carothers, Johnson (R. G.), Shoemaker, Roberts, Biddle, Waggoner, Gafford and Bedsole:

H. 213. To abolish the State Licensing Board for the Healing Arts; to transfer all of the powers of the State Licensing Board for the Healing Arts with regard to chiropractors to the State Board of Chiropractic Examiners; and to provide for the transfer of property and assets to the State Board of Medical Examiners for the use of the Medical Licensure Commission.

Health.

By Reps. Carothers, Johnson (R. G.), Shoemaker, Roberts, Biddle, Waggoner, Gafford and Bedsole:

H. 214. To create a commission to be known as the Medical Licensure Commission appointed by the Governor, Lieutenant Governor, and Speaker of the House; to set the terms of office of the members of the Commission and stagger those terms; to give the Commission exclusive power and authority to issue, revoke and reinstate all licenses to practice medicine or osteopathy; to give the Commission authority to promulgate reasonable rules and regulations; to require the Commission to receive and consider but not be bound by the recommendation of the State Board of Medical Examiners prior to exercising its authority under this Act; to provide that all personnel and facilities necessary for administration of this Act be furnished by the State Board of Medical Examiners, and to provide that all money, funds, fees, charges, and other receipts provided for in this Act be paid to the State Board of Medical Examiners to carry out the provisions of this Act; to authorize the State Board of Medical Examiners to employ the individuals necessary for assisting the Commission; to give the Commission and the Board power to call upon prosecuting attorneys for assistance without charge; to give an applicant whose application for a certificate of qualification is denied by the Board a right of appeal to the Commission; to provide for appropriate fees to be charged for administration of this Act; to provide that the State Board of Medical Examiners shall have the duty to promote continuing medical education of all licensed physicians and osteopaths and empower the Board to

provide funds to any nonprofit corporation for the purpose of conducting continuing medical education programs without being bound by competitive bidding laws; to establish the necessary administrative provisions for administration of this Act; to authorize the State Board of Medical Examiners to collect all fees provided for in this Act and require the Board of Medical Examiners to furnish all employees and facilities utilized by the Commission; to provide that the State Board of Medical Examiners shall continue to collect fees for examination, certificates of qualification, and such other fees as are authorized by law or this Act; to give the Commission authority to seek an injunction against any person engaged in the unlawful practice of medicine or osteopathy; to require that licenses to practice medicine or osteopathy be recorded in the office of judge of probate in the county in which the licensee resides; to provide that any person who practices medicine or osteopathy without having complied with the provisions of this Act and any person who violates any of the provisions of this Act be fined not less than \$500.00 (five hundred dollars) and not more than \$1,000.00 (one thousand dollars), and, in addition, at the discretion of the trial judge may be imprisoned in the county jail for not more than 12 (twelve) months; to provide that each day a person practices medicine or osteopathy without meeting all of the requirements of all laws now in force and of this Act shall constitute a separate offense; to provide that any person filing or attempting to file as his own a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree; to give the Medical Licensure Commission the power and duty to suspend for a specified time to be determined in the discretion of the Commission or revoke a license whenever the licensee is found guilty on the basis of substantial evidence of any of the specified grounds in the Act; to establish acts or offenses which constitute grounds for the Medical Licensure Commission to suspend or revoke licenses to practice medicine or osteopathy; to provide that every physician who accepts the privilege of practicing medicine or osteopathy in the State of Alabama by actually practicing or by making and filing an annual registration to practice medicine or osteopathy shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations at the direction of the Board or Commission and provide that the physician shall be deemed to have given his consent to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications; to establish procedures by which the State Board of Medical Examiners shall investigate complaints against physicians or osteopaths and make recommendations to the Medical Licensure Commission; to establish procedures by which hearings for suspension or revocation of a license shall be conducted by the Commission; to give the authority to the Commission to temporarily suspend the license of a physician or osteopath without a hearing where the physician's or osteopath's continuation in practice may constitute an immediate danger to his patients or to the public; to provide procedures whereby a physician or osteopath may surrender his certificate of qualification or request in writing that a restriction be placed on his certificate of qualification; to specify the actions that may be taken by the Commission if a physician or osteopath is found guilty of any of the acts, offenses or conditions specified in this Act; to grant subpoena power to the Commission and to the Board; to authorize depositions to be taken on a commission issued by the executive officer of the Commission or by the executive director of the Board; to provide that any order of the Medical Licensure Commission suspending or revoking a license to practice medicine or osteopathy shall have immediate effect and shall not be stayed or held in abeyance by any court; to provide that if a court of competent jurisdiction determines that the Commission acted arbitrarily or capriciously or that the Commission grossly abused

its discretion, that the order of the Commission shall be vacated upon issuance of a peremptory writ of mandamus; to provide that the reviewing court shall not itself hear or accept any further evidence with respect to issues of fact determined by the Commission; to provide for the repeal of conflicting laws; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Health.

By Reps. Shoemaker, Carothers and Johnson (R. G.):

H. 215. To authorize the investigators of the State Board of Medical Examiners to enforce the provisions of the Alabama Uniform Controlled Substances Act and to grant to such investigators the powers of peace officers in the performance of their duties.

Health.

By Reps. Johnson (R. G.), Shoemaker and Carothers:

H. 216. Relating to the manufacture of prescription drugs requiring the identification of drug products; providing for an exemption in the case of hardship; providing for the disclosure of descriptive information; providing for the adoption of rules; providing for an exemption for drug products compounded by a pharmacist in a pharmacy; providing an effective date.

Health.

By Reps. Johnson (R. G.) and Carothers:

H. 217. To be known as a Third Party Prescription Program Act, establishing the rights and responsibilities of parties engaged in third party prescription programs; defining certain terms; providing for notice procedures, cancellation procedures, provisions to be included in contractual agreements pertaining to third party prescription programs; outlining conditions under which payment by the program administrator to the pharmacy may or may not be denied; establishing reimbursement rates; providing exceptions and repealing all conflicting laws.

Health.

By Reps. Lewis, Amari, Bennett, Payne, Bedsole, Howard, Harper (O) and Seibels:

H. 218. To amend several sections of present law relating to public health. The sections amended include 22-11-1, 22-11-2, 22-11-3, 22-11-4, 22-11-5, 22-11-6, 22-11-7, 22-11-8, 22-11-12, 22-11-13, 22-11-14, 22-11-15, 22-11-16, 22-12-3, 22-12-4, 22-20-2, Code of Alabama, 1975, relating to notifiable diseases, and repeals Section 22-13-12, Code of Alabama, 1975, relating to cancer treatment reports.

Health.

By Rep. Carothers:

H. 219. To amend Section 6-5-332 of the Code of Alabama, 1975, so as to include educators in the exemptions from liability when rendering emergency care.

Judiciary.

By Rep. Carothers:

H. 220. Relating to interest and usury: To amend Act No. 80-435 of the 1980 Legislature of Alabama and Section 8-8-5, Code of Alabama 1975, relating to certain loans to which usury laws do not apply, so as to provide that such laws do not apply to any person or entity, whether or not organized for profit, nor to any transaction thereunder, whether or not in default; to define terms used therein; to repeal Section 1(e) of Act No. 80-435; to repeal conflicting laws; to provide that provisions of this Act are severable; and, to provide for an effective date.

Banking.

By Reps. Carothers, Reed, Johnson (R. G.), Grouby, Williams, Grimsley, Ward, Penry, Ray, Bedsole and Daniels:

H. 221. To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary or convenient for the purposes of the projects and the acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the prepayment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain (subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and municipalities, municipal electric utility boards and public corporations owning or operating electric distribution systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect to the output, capacity, use or service of projects and require that those rates or charges be sufficient, along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or public corporations owning or operating an electric distribution system; to make the bonds legal investments and to exempt

the bonds, bond anticipation notes and notes, and the income therefrom and interest thereon, along with all income and property (and filings with respect thereto) of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem, sales, use, license and severance taxation; to exempt the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65, Code of Alabama 1975; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Commerce and Transportation.

By Rep. Clark (G):

H. 222. To amend the title, Section 1 and Section 3 of Act No. 80-635, H. 242, Regular Session 1980 (Acts of Alabama 1980, p.—) providing for the establishment of a fee to be collected from the proceeds of all judicial sales; and to provide for the distribution of said fees, so as to provide that the provisions of said Act shall only apply to judicial sales originating in the district and circuit courts of this state and shall not apply to judicial sales originating in the probate courts of this state.

Judiciary.

Reps. Clark (G), Campbell, Turner, Sasser, Waggoner, Langford, Parker, Mitchell, Lewis, Greer, Dixon, Penry, Manley, Dial, Barton, Cosby, Grouby, Wyatt, Turnham, Buskey, Drinkard, McMillan, Shoemaker, Williams, Carothers, Blake, Patton, Willis, Johnson (R. G.), Minus, Gafford, Smith (J), Carter, Coburn, Edwards, Warren, Owens, Whatley, Bedsole, Harper (T), Moore, Naramore, Howard, Trammell, Gilmer, Starkey, Goodwin, Gregg, Brakefield, Kennedy, Smith (M), Venable and Pegues:

H. 223. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

Judiciary.

By Rep. Cosby:

H. 224. To require boards of education to defend certain school officials in cases where civil action is brought against them for acts committed in the performance of their duties.

Ways and Means.

By Rep. Campbell:

H. 225. To provide that the testimony of a witness testifying under oath before a legislative committee under certain circumstances shall be admissible as evidence in any civil or criminal proceedings in any court in this state; to provide for the compelling of attendance of witnesses, the issuing of subpoenas and subpoenas duces tecum and the administering of oaths by any such committee; to provide for the transcribing and preservation of testimony; and to provide that the provisions are cumulative; and to provide for sanctions.

Judiciary.

By Rep. Barton:

H. 226. This bill relates to legal expense insurance and to Legal Service Insurance Corporations; creating chapter 42 of Title 27, Code of Alabama, 1975, consisting of ss. 27-42-1 through 27-42-23; authorizing organization of legal service insurance corporations, providing for exceptions; providing for public regulation of legal service insurance corporations; providing for deposit or bond; providing policy and certificate form and premium rate requirements; requiring annual reports and making certain provisions of the insurance laws applicable to legal service insurance corporations; providing for registration of contracting sales agents and the reporting and accounting of funds received; providing grounds and procedure for compulsory and discretionary revocation, suspension or refusal of registration for contract sales agents; providing for administrative fine in lieu of suspension or revocation of registration; providing that the act shall not regulate the practice of law or the authority of the Supreme Court of Alabama or State Bar of Alabama; providing an effective date.

Judiciary.

By Rep. Barton:

H. 227. To amend Section 40-5-9 of the Code of Alabama 1975, relating to ad valorem taxation so as to provide a ten percent (10%) penalty for the delinquent payment of same and to increase the interest due thereon.

Ways and Means.

By Rep. Barton:

H. 228. To amend Sections 36-30-20 through 36-30-23 of the Code of Alabama 1975, which relate to compensation for death or disability of municipal policeman and state troopers from occupational diseases, so as to include certain deputy sheriffs.

Ways and Means.

By Reps. Harper (T) and Turner (With Notice and Proof):

H. 229. To regulate and control the operation and licensing of massage parlors within Mobile County; and providing penalties for violation.

Local Legislation No. 3.

REGULAR SESSION
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I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 229, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harper (T):

H. 230. To amend Section 32-5A-215, Code of Alabama 1975, dealing with pedestrians on roadways so as to prohibit any person from fishing from a bridge, viaduct or trestle, or the approaches thereto, within the state of Alabama.

Highway Safety.

By Rep. Cheatwood:

H. 231. To require that governing boards of educational systems or institutions cooperatively develop a grievance procedure with its employees and that such a procedure shall be adopted by June 1, 1982.

State Administration.

By Rep. Cheatwood:

H. 232. To provide for a representative election to determine the professional organization representing the majority of certified employees when such an election is requested by twenty-five percent (25%) of the certified employees in a country or city school system.

State Administration.

By Rep. Cheatwood:

H. 233. To provide that any county or city board of education, the state board of education, and the governing boards of the Alabama Institute for the Deaf and Blind and the Department of Youth Services may allow personal leave of up to five days annually for all educational employees and to provide that such leave may cumulate up to five days.

Ways and Means.

By Rep. Smith (J):

H. 234. To amend Section 15-5-2 of the Code of Alabama 1975, relating to the grounds for issuance of a search warrant, so as to limit the issuance of search warrants for documents.

Judiciary.

By Rep. Coburn:

H. 235. To provide for the emergency assessment of a surcharge of one-half (0.5%) percent of their taxable wages against employers subject to the unemployment compensation contributory provisions of the Alabama Unemployment Compensation Act; to provide for the termination of the surcharge when the fund reaches required balances and for reinstatement under certain conditions; and to provide for retroactive effect to January 1, 1981.

Ways and Means.

By Reps. Stewart, Harper (T), Parker, Kennedy, Warren and Grouby:

H. 236. To allow school devotionals.

State Administration.

By Rep. Cabaniss:

H. 237. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 96-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

Insurance.

By Rep. Cabaniss:

H. 238. To amend Sections 27-8-1 through 27-8-9, 27-8-11 through 27-8-17, 27-8-20 through 27-8-22, and 27-8-26 through 27-8-28, Code of Alabama 1975, which provide for the licensing of life and disability insurance agents, brokers and representatives, so as to provide further for said licensing; to require educational instruction for new representatives; to permit the licensing of partnerships and corporations; to establish a fee schedule for licenses; to provide further for revocation or suspension of licenses and the procedure thereof; and to further provide for the issuance of temporary and nonresident licenses.

Insurance.

By Rep. Cabaniss:

H. 239. To amend § 36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department in examinations of insurers conducted outside of the State of Alabama.

Insurance.

By Rep. Cabaniss:

H. 240. To prohibit the delivery or issuance for delivery in this state of any policy of burial insurance which provides benefits solely in the form of merchandise and services incident to the burial of the insured or which provides an alternative cash benefit in an amount less than the retail value of the merchandise and services stated in the policy; to specifically authorize the delivery or issuance for delivery in this state of insurance policies which provide benefits payable in funeral services and merchandise or in money in an amount equal to the retail value of such funeral services and merchandise; to specifically authorize the performance or the contracting for performance of any policy of burial insurance issued or outstanding prior to the effective date of this Act or any renewal or reinstatement thereof.

Insurance.

By Rep. Cabaniss:

H. 241. To amend Section 27-2-31 Code of Alabama 1975 extending the immunity from civil liability of the Commissioner of Insurance for negligent acts on his part in performing his required and discretionary duties.

Insurance.

By Rep. Cabaniss:

H. 242. To amend § 27-30-33, Code of Alabama 1975 requiring Mutual Aid Associations to follow the provisions of the Insurance Holding Company System Regulatory Act found in Chapter 29 of Title 27, Code of Alabama 1975.

Insurance.

By Rep. Cabaniss:

H. 243. To provide for a Life and Disability Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity; and to provide for termination procedures and distribution of funds.

Insurance.

By Rep. Cabaniss:

H. 244. To prohibit the formation of new Mutual Aid Associations under the provisions of § § 27-30-1 through 27-30-33, Code of Alabama 1975.

Insurance.

By Rep. Cabaniss:

H. 245. To amend § 27-2-16, Code of Alabama, 1975, so as to repeal requirements that the Commissioner of Insurance publish an annual list of insurance agents and insurers and a booklet, annually, containing each and every question to be used in a written examination of applicants for license under Chapters 7 and 8 of the Insurance Code.

Insurance.

By Rep. Turnham:

H. 246. To require that children under the age of four use a passenger restraint system in certain instances; to provide penalties for violation of the act.

Highway Safety.

By Rep. Turnham:

H. 247. To require group health insurance policies, contracts and plans issued in Alabama to offer certain benefits for the care and treatment of certain types of mental illnesses in licensed or certified programs and to provide for minimum levels of benefits when such coverage is elected.

Insurance.

By Rep. Turnham:

H. 248. To amend Section 27-19-38 of the Code of Alabama, 1975, which section requires that certain health insurance policies issued in Alabama shall provide automatic dependent childrens' coverage for newly born children as of the moment of birth, so as to provide that all individual or group health insurance policies issued in Alabama shall provide such automatic dependent childrens' coverage from the moment of birth, effective 60 days following passage and enactment of this amendatory Act.

Insurance.

By Rep. Turnham:

H. 249. To amend Act No. 582, enacted by the Regular Session of the Legislature, 1963, relating to Radiation Control. The bill requires the payment of an initial registration fee and an annual licensing fee to the State, to establish a Radiation Control Fund, appropriates collected funds for the present fiscal year, provides penalties for failure to comply. It is the intent of this legislation to provide fees sufficient, in addition to those appropriated by the Legislature from the general fund, to permit inspections of x-ray unit in the State a minimum of once every three (3) years and more often when required to qualify for accreditation or when an inspection is indicated for the protection of public health, and to permit the bonding of certain licensees.

Health.

By Rep. Ford:

H. 250. To provide for the issuance of distinctive license plates to recipients of the Medal of Honor.

Military Affairs.

By Rep. Blake (With Notice and Proof):

H. 251. Relating to St. Clair County; to further amend sections 3 and 9 of Act No. 243, H. 509, of the Regular Session of 1979 relating to a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board and who shall have the authority to suspend an employee for certain reasons.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 251, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blake (With Notice and Proof):

H. 252. Relating to St. Clair County; to provide for additional per diem payments to each member of the Board of Equalization.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 252, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blake (With Notice and Proof):

H. 253. Relating to St. Clair County; amending Act No. 80-520, H. 1057, 1980 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to limit the mileage allowance to only the returning officer.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 253, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bedsole, Waggoner, Drinkard, Smith (M), Gafford, and Moore:

H. 254. To require the chief administrative official of each hospital to report to the Alabama State Board of Medical Examiners any disciplinary action taken concerning any physician when such action is related to professional ethics, medical incompetence, moral turpitude, or drug or alcohol abuse; to define disciplinary action; to require the report to be in writing and made within sixty (60) days of the date of the action; to require any professional society of physicians which takes formal disciplinary action against a member to report such action to the Alabama State Board of Medical Examiners when the action taken is related to professional ethics, medical incompetence, moral turpitude or drug or alcohol abuse; to require the report to be in writing and made within sixty (60) days of the action; to provide that any report made pursuant to this act shall be privileged from discovery; and to provide that the individual making the report shall be immune from liability.

Health.

By Reps. Warren, Carter, Cates, Carothers, Turnham, Grouby and Edwards:

H. 255. To amend Section 17-6-13, Code of Alabama 1975, which section provides for the compensation of county election officials, so as to provide further for the compensation of such officials.

Local Government.

By Rep. Cooley:

H. 256. To amend section 13A-11-70 of the Code of Alabama 1975 so as to redefine a crime of violence.

Judiciary.

By Rep. Cooley:

H. 257. To amend section 28-4-115 of the Code of Alabama 1975 so as to provide for a fine of not more than \$5,000.00 in addition to the term of imprisonment for transporting alcoholic beverages.

Judiciary.

By Rep. Cooley:

H. 258. To amend Section 2-7-31, Code of Alabama 1975, which relates to prizes and premium awards at agricultural fairs, so as to increase the maximum amount authorized to be paid to the members of the Special Awards Committee for Fairs for per diem and travel allowances.

Ways and Means.

By Reps. Venable, Willis and Dial:

H. 259. To prohibit the state, or any county, municipality or other political subdivision thereof, or any public authority or entity which is authorized to issue bonds in this state, from issuing any bond which is exempt from the payment of state or local sales, use or ad valorem taxes if the issuance of such bond is for the purpose of constructing, repairing or otherwise developing any establishment, project or enterprise which is engaged primarily in the business of retail sales of products or services to the general public, any provision of law to the contrary notwithstanding.

Constitution and Elections.

By Reps. Venable, Willis and Dial:

H. 260. To require every bond issued by the state, or any county, municipality or other political subdivision of the state, or by an other public authority which is authorized to issue bonds in this state, to be reported to the state securities commission.

Constitution and Elections.

By Reps. Venable, Willis and Dial:

H. 261. To propose an amendment to the Constitution of Alabama of 1901, to prohibit the state, counties, municipalities or other public bonding authorities in this state from issuing tax exempt bonds for the construction or development of any establishment engaged primarily in retail sales of products or services to the general public.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Venable, Willis and Dial:

H. 262. To provide that any bond issued by the state or any county, city or other political subdivision thereof, or any other public authority authorized to issue bonds in this state, which grants an exemption from state or local ad valorem taxation pursuant to any such bond issue, shall cease to have such exemption after a 10-year period.

Constitution and Elections.

By Rep. Venable:

H. 263. Relating to elections; providing that no political party, except those parties qualified under Title 17, Chapter 16 of the Code of Alabama 1975, shall be included on any general election ballot unless the party shall have filed with the secretary of state at least 120 days prior to any such general election a list of the signatures of at least one-fourth of one percent of the electors of the state, district, county or other political subdivision in which the political party seeks to qualify candidates for office, and unless the party shall have fulfilled all other applicable requirements of federal, state or local laws.

Constitution and Elections.

By Rep. Venable:

H. 264. To propose an Amendment to the Constitution of Alabama of 1901 to provide further for the qualification of voters and the regulation of elections.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Venable, McKee and Grouby:

H. 265. To provide salary increases for certain state employees and to appropriate funds therefor.

Ways and Means.

By Reps. Venable, McKee and Grouby:

H. 266. To amend Sections 36-7-20 and 36-7-22 of the Code of Alabama 1975 so as to further provide for the per diem allowance and mileage allowance for persons traveling on official state business.

Ways and Means.

By Rep. Venable:

H. 267. To amend Sections 36-26-6 and 36-26-27 of the Code of Alabama 1975 so as to further prescribe hearing procedures for the dismissal and disciplining of state employees when such actions are initiated by the appointing authority.

Judiciary.

By Rep. Hammett (With Notice and Proof):

H. 268. Relating to Covington County; providing for an additional expense allowance for the members of the board of registrars of said county and providing for its retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 268, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hammett (with Notice and Proof):

H. 269. Relating to Covington County; to legalize the sale of draft or keg beer or malt beverages.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 269, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hammett:

H. 270. To amend Section 16-31-1 of the Code of Alabama 1975 relating to American Legion Scholarships so as to provide further for such scholarships.

Education.

By Reps. Hammett, Mitchell and Clark (G):

H. 271. To repeal Section 12-18-89, Code of Alabama 1975, which prohibits probate judges from practicing law.

Judiciary.

By Reps. Lewis, Bedsole and Dixon:

H. 272. To amend § 16-11-18, Code of Alabama, 1975 to provide that before adopting written policies the city board of education shall directly, or indirectly through the superintendent, consult with its professional employees.

Education.

By Reps. Lewis, Bedsole and Dixon:

H. 273. To amend § 16-8-10, Code of Alabama, 1975 to provide that before adopting written policies the county board of education shall directly, or indirectly through the superintendent, consult with its professional employees.

Education.

By Reps. Lewis, Payne, Bedsole, Daniels and Dixon:

H. 274. To amend Code of Alabama 1975, § 16-24-30 to change the secretary of the State Tenure Commission and to designate the location for State Tenure Commission records.

State Administration.

By Reps. Lewis, Waggoner and Payne:

H. 275. To prescribe a certain ceiling on valuations for motor vehicles for ad valorem tax purposes and to require that the Department of Revenue make re-evaluations annually.

State Administration.

By Reps. Lewis, Patton, Payne, Amari and Bennett:

H. 276. To amend Section 41-16-51, Code of Alabama 1975, which provides that certain contracts are exempt from the competitive bid law, so as to exclude insurance contracts from this exemption.

State Administration.

By Reps. Lewis and Amari:

H. 277. To amend the Alabama Uniform Certificate of Title and Antitheft Act by repealing § 32-8-48 Code of Alabama 1975, and by amending § 32-8-87 Code of Alabama 1975 to include certain requirements set forth in § 32-8-48 repealed herein, to remove the requirement of surrendering the vehicle identification number plate in certain instances, to provide for the

issuance of a salvage certificate of title, to exempt insurance companies from titling motor vehicles in the name of the company in certain insurances, to redefine total loss motor vehicles for clarity and to require certain other documents or items to be surrendered to the Department of Revenue in certain instances.

Judiciary.

By Reps. Albright and Smith (M):

H. 278. To propose an amendment to the Constitution of 1901, to provide for a one-time rebate on state income tax returns to be paid to individual taxpayers.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Rep. Harrison (With Notice and Proof):

H. 279. To provide funding for Birmingham-Jefferson County Transit Authority, a public corporation organized under Act No. 933 of the 1971 Regular Session of the Legislature of Alabama (the "Transit Authority"), by levying in Jefferson County, Alabama (the "County"), a privilege or license tax, generally parallel to the State sales tax, upon persons engaged in the County in any business subject to the State sales tax, and to levy an excise tax, generally paralleling the State use tax, on the storage, use or other consumption in the County of tangible personal property purchased at retail; to provide that the said privilege or license tax is required to be passed on to the consumer or purchaser at retail, to the extent provided for in this act; to provide for the making of reports or returns and the keeping of records with respect to the taxes herein levied; to provide that the exemptions applicable to the State sales tax statutes and the State use tax statutes, as said statutes may from time to time be amended, shall be applicable respectively to the said privilege or license tax and the said excise tax; to confer power to administer the act upon the Director of Revenue or other officer or employee of the County charged with the duty of collecting county business license taxes or other license taxes now or hereafter required by law to be paid; to provide for the collection of the taxes levied by this act; to authorize the said Director of Revenue, or other county officer or employee collecting said business license taxes or other license taxes as aforesaid, to enforce such collection by civil suit, injunction, and accounting, or any of them; to provide that the taxes levied by this act shall constitute a lien and to provide that such lien shall be superior to all other liens except the liens of ad valorem taxes, other license taxes, and municipal assessments; to provide for the enforcement of the lien of the taxes levied by this act; to provide that any taxpayer dissatisfied with the assessment made against him with respect to any such tax may appeal from the assessment to the Circuit Court of Jefferson County, and to prescribe the procedure of such appeal; to provide that from the proceeds collected each month from the taxes herein levied there shall first be paid into the general treasury of the County a specified percentage to compensate the County for the administration, collection, and enforcement expenses relating to such taxes, and the remainder of such proceeds shall be paid to the municipalities located in whole or in part in the County and the general treasury of the County on the basis of the ratios of the population of each municipality residing in the County and in the unincorporated areas of the County to the total population in the County (based on census figures); to provide that each such municipality in which regularly scheduled transit service is provided or made or available and

the County shall pay over from such tax proceeds or other funds to the Transit Authority, or any successor thereto an amount equal to the payor's share of the budget of the Transit Authority; to provide that should a court of competent jurisdiction declare or determine that the County or a municipality or municipalities required hereunder to pay moneys to the Transit Authority is for any reason not legally so required, the Director of Revenue of the County shall thereafter pay directly to the Transit Authority the share which such municipality or municipalities or the County, as the case may be, would otherwise have received; to repeal Sections 3 through 10 and Section 12 of Act No. 232 of the 1977 Regular Session of the Legislature of Alabama; to provide an effective date for this act; and to provide that the provisions of this Act shall be severable.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 279, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harrison (With Notice and Proof):

H. 280. To provide funding for Birmingham-Jefferson County Transit Authority, a public corporation organized under Act No. 993 of the 1971 Regular Session of the Legislature of Alabama (the "Transit Authority"), by imposing in Jefferson County, Alabama (the "county"), an occupational license fee on persons engaged in trades, occupations and professions in the county and providing the method of reporting and collecting the fee; to provide that it shall be unlawful for any person to engage in or follow any trade, occupation or profession as defined in the Act without paying such fee; to provide for cases in which compensation is earned as a result of work done or service performed both within and without the county; to provide exemptions from the said fee and the provisions of this Act; to provide that employers are to withhold such fees and file returns each calendar quarter; to provide for situations in which returns must be filed by employees; to provide for the duties and powers of the Director of Revenue of the county in collecting and receiving such fees; to provide that information gained by such Director of Revenue or his agents or employees shall be confidential and impose penalties for breach of such confidentiality; to provide for interest and penalties to be paid if such fees remain unpaid; to provide for extension of time for making a return; to provide that such fees constitute a debt and that the said Director or Revenue may file suit in order to collect the fees; to provide that the said Director of Revenue may seek injunctive relief and an accounting; to provide that the said fees shall constitute a lien and to provide that such lien shall be superior to all other liens except the liens of ad valorem taxes, license taxes, and municipal assessments; to provide for the enforcement of the lien of the said fees; to provide that any taxpayer dissatisfied with the assessment made against him with respect to any such fee may appeal to the Circuit Court of the county, and to prescribe the procedure of such appeal; to provide for the payment out of the proceeds of such fees of the costs of administration, collection, and enforcement relating to such fees, and that the remainder of such proceeds shall be paid to the municipalities located in whole or in part in the county and the general treasury of the county on the basis of the ratios of the population of each municipality located in the county and in the unincorporated areas of the county to the total population in the county (based on census figures); to provide that each such municipality in which regularly

scheduled transit service is provided or made available and the county shall pay over from such fee proceeds or other funds to the Transit Authority, or any successor thereto an amount equal to the payor's share of the budget of the Transit Authority; to provide that should a court of competent jurisdiction declare or determine that the county or a municipality or municipalities required hereunder to pay moneys to the Transit Authority is for any reason not legally so required, the said Director of Revenue shall thereafter pay directly to the Transit Authority the share of the said fee which such municipality or municipalities or the county, as the case may be, would otherwise have received; to repeal Section 3 through 10 and Section 12 of Act No. 232 of the 1977 Regular Session of the Legislature of Alabama; to provide an effective date for this act; and to provide that the provisions of this Act shall be severable.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 280, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Crow, Turner, Willis, Minus, McKee, Bedsole, Wyatt, Langford, Whatley, Ward, Laird, Waggoner, Shoemaker, Johnson (R. G.), Blake, Harper (O), Holley, Brakefield, Ray, Amari, Grouby, Trammell, Ford, Reed, Edwards, Manley, Rains, Cooley, Cheatwood, Bowling, Smith (M), Cosby, Campbell, Clark (G), Bennett, Gregg, Greer, Seibels, Payne, Johnson (Roy), Mitchell, Penry, Warren, Daniels, Dixon, Hammett, Stewart and Grimsley:

H. 281. To provide that law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, pistol and such other equipment as the department may designate upon their retirement.

Natural Resources.

By Reps. Crow, Turner, Willis, Minus, McKee, Bedsole, Wyatt, Langford, Whatley, Ward, Laird, Waggoner, Shoemaker, Johnson (R. G.), Blake, Harper (O), Holley, Brakefield, Ray, Grouby, Trammell, Ford, Reed, Edwards, Cooley, Manley, Rains, Cheatwood, Bowling, Smith (M), Cosby, Clark (G), Bennett, Gregg, Greer, Amari, Seibels, Payne, Johnson (Roy), Mitchell, Penry, Warren, Daniels, Dixon, Hammett, Stewart and Grimsley:

H. 282. To provide that law enforcement officers employed by the Department of Conservation and Natural Resources and law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, pistol and such other equipment as the department may designate upon their retirement.

Natural Resources.

By Rep. Zoghby:

H. 283. To establish a statewide voter registration file maintenance system to provide a service to the boards of registrars with provisions to delete the name of any voter (a) who is deceased, (b) who is no longer qualified to vote in the election district where registered due to removal of his or her residence, (c) who has been convicted of a disqualifying crime, (d) who has failed to vote at any primary, special or general election for six (6) consecutive years, or (e) who is otherwise no longer qualified to vote as may be provided by law.

Constitution and Elections.

By Rep. Gafford:

H. 284. Relating to the state ethics law for public officers and employees (Title 36, Chapter 25, as amended, Code of Alabama 1975); to amend sections 36-25-1, 36-25-4, 36-25-14 and 36-25-30, Code of Alabama 1975 as amended, which sections relate to definitions, powers and duties of the state ethics commission, the filing of statements of economic interests, and to the construction of said Chapter 25, Title 36, Code of Alabama 1975, as amended, so as to include within the definition of "Public Official" certain persons, firms or corporations which have contracts with the state, or any agency thereof, which contracts provide for personal or professional services; to require the filing of financial statements by such persons, firms or corporations; to prohibit the state ethics commission from issuing any opinion, ruling or regulation limiting or otherwise affecting campaign or political contributions to candidates for public office or to incumbent public office holders, except to require the reporting of any such contributions in a statement or report to be filed with the commission; and to provide that if any single provision of Chapter 25, Title 36, Code of Alabama 1975, as amended or superseded, is held unconstitutional or invalid by a court having jurisdiction then the entire provisions of said Chapter 25 shall be deemed invalid or unconstitutional and shall, in that event, have no further force or effect of law.

Judiciary.

By Rep. Gafford:

H. 285. To amend Section 8-8-5, Code of Alabama 1975, which provides for interest rates on loans of \$5,000 or more, so as to amend subsection (e) which relates to expiration of the provisions of said section.

Banking.

By Rep. Gafford:

H. 286. To provide further for political contributions by corporations, whether for profit or non-profit, or any agent or officer acting in their behalf.

Banking.

By Rep. Gafford:

H. 287. To amend Section 5 of Act No. 738, S. 533 of the 1980 Regular Session, which act provides for allowable interest surcharge, allowable interest rates or finance charges determined by the prime rate charged by certain banks, and open-end credit plans, so as to change the termination date provisions of this act.

Banking.

By Rep. Cabaniss:

H. 288. To further regulate the sale of alcoholic beverages under the supervision of the Alabama Alcoholic Beverage Control Board in each municipality, in each county, and in all state parks; to authorize referendum elections in each municipality to determine if the sale of alcoholic beverages within the corporate limits will be allowed or if the sale of alcoholic beverages within the corporate limits will be prohibited, upon the petition of 25% of the number of registered voters casting a ballot in the last municipal election in said municipality; to provide that a period of not less than 720 days must elapse between the dates of such referendum elections; to authorize the

governing authority of each municipality to establish the hours of sale for alcoholic beverages in the corporate limits and the governing authority of the county to establish the hours of sale for alcoholic beverages outside the corporate limits but within the county each and every day of the week; to provide that the governing authority of each municipality must approve each retail alcoholic beverage license application location within the corporate limits and the governing authority of the county must approve each retail alcoholic beverage license application outside the corporate limits but within the county before the Alabama Alcoholic Beverage Control Board has the authority to issue a retail alcoholic beverage license; to provide that the Alabama Alcoholic Beverage Control Board may issue, with the approval of the Commissioner of the Department of Conservation and Natural Resources, a special retail license to any state park in Alabama or the franchisees or concessionaires of state parks; and to further provide that the Commissioner of the Department of Conservation and Natural Resources may establish the hours of sale of alcoholic beverages in state parks.

Judiciary.

By Rep. Cabaniss:

H. 289. To provide that no school employee or school employee organization shall participate in a strike against a public school employer and to provide penalties therefor.

State Administration.

By Rep. Kelley:

H. 290. To provide for the creation and organization of the Alabama Department of Environmental Management; to provide for legislative intent and purposes of the Act; to provide for definitions; to provide for powers and functions of the Department; to provide for an advisory committee to the Director; to provide for a Board of Appeals within the Department; to provide for powers and functions of the Board of Appeals; to provide for appeals of administrative actions; to provide for adopting rules and regulations; to provide for the transfer of functions and personnel; to provide for an interim appropriation; to provide for the repeal or amendment of certain sections of the Code of Alabama 1975, as amended; to provide for the creation of the Alabama Department of Environmental Management Fund; to provide for the transfer of personnel, funds, functions and equipment of the Coastal Area Board to the Office of State Planning and Federal Programs; to provide for the severability of provisions of the Act; to provide that this Act supplements existing law; and to provide for an effective date of this Act.

State Administration.

By Reps. Ward, Grouby, Reed, Adams (C), Blake, Hall, Payne, Harper (O), Grimsley, Sasser, Edwards, McKee, Brakefield, Ford, Williams, Pegues, Carothers, Rains, Riddick, Harvey, Stout, Cates, Mitchell, Olive, Gilmer, Smith (M), Cobb, Waggoner, Smith (J), Moore, Howard, Escott, Cheatwood, Trammell, Shoemaker, Cosby, Willis, Parker, Zoghby, Coburn, Manley, Kennedy, Smith (C), Owens, Crow, Ray, Hammett, Penry, McMillan, Turnham, Cabaniss and Barton:

H. 291. To permit a period of silence to be observed for the purpose of meditation or voluntary prayer at the commencement of the first class of each day in all public schools.

Constitution and Elections.

By Reps. Amari, Bennett and Drinkard:

H. 292. To prohibit assault upon a peace officer in performance of his duties.

Judiciary.

By Reps. Amari, Bennett and Drinkard:

H. 293. To prohibit and provide penalties for assault upon a peace officer with a deadly instrument.

Judiciary.

By Rep. Amari:

H. 294. To amend Section 15-5-5 of the Code of Alabama 1975 relating to search warrants so as to further provide for the execution of search warrants by any law enforcement officer in this state appointed under the provisions of Section 36-21-46, Code of Alabama 1975.

Judiciary.

By Reps. Biddle, Waggoner and Gafford:

H. 295. To make an appropriation to the various public school systems of the state from the Alabama Special Educational Trust Fund for the purpose of libraries in the public elementary and secondary schools and in the postsecondary two year institutions of higher learning under the jurisdiction of the State Board of Education.

Ways and Means.

By Reps. Cates and Willis:

H. 296. Proposing an amendment to the Constitution of Alabama restricting all odd-year regular sessions of the legislature to the subjects of budgets, local legislation, and resolutions until the budgets are completed at which time non-budget matters in addition to local legislation and resolutions may be considered, commencing with the 1982 regular session of the legislature; further providing that even-numbered years shall be restricted to non-budget matters; and providing the length of special and regular sessions.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Manley, Bowling, McCorquodale, Owens, Gilmer, Waggoner, Carothers, Turner, Barton, Shoemaker, Sasser, Blake, Ward, Wyatt, Cosby, Roberts, Daniels, Willis, Moore, Dial, Turnham, Kelley, Gafford, Venable, Clark (G), Campbell, Cooley, Patton, Zoghby, Parker, Stewart, Cates, Dixon, Laird, Williams, Holley, Minus, Drinkard, Smith (C), Carter, Brakefield, Naramore, Whatley, Harvey, Payne, Olive, Trammell, Cheatwood, Hammett, Lewis, Amari, Gregg, Riddick, Greer, Cobb, Hall, Johnson (R. G.), Mitchell, Cabaniss, McKee, McMillan, Smith (M), Ford, Harper (O), Harper (T), Johnson (Roy), Adams (C), Grimsley, Rains, Seibels, Penry and Boles:

H. 297. To define capital offenses; to provide for a sentence of life imprisonment without parole or death as punishment for capital offenses; to provide for the trial of capital offenses; to provide for sentence proceedings to be conducted following a conviction for a capital offense; to provide for appellate review of convictions and sentences in cases in which defendants are sentenced to death; to provide for the Alabama Supreme Court to promulgate pattern indictment forms, verdict forms, and jury instructions for use in

cases tried under this act; to provide for the manner in which the act is to be interpreted and if necessary re-interpreted; to provide for severability; to specify the way the act is to be applied if the death penalty provisions of it are declared unconstitutional and cannot be re-interpreted to provide a constitutional death penalty; to specify the conduct to which the act applies; to repeal Code of Alabama 1975, § 13-11-1 through § 13-11-9, also codified as § 13A-5-30 through § 13A-5-38 (the existing death penalty statute), and any other laws or parts of laws in conflict herewith; and to provide an effective date.

Judiciary.

By Rep. Manley:

H. 298. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901 to increase the number of the trustees of the University of Alabama and to provide for their election; to provide for the retirement of the trustees; and to alter the terms and provide a maximum number of consecutive terms of service; and to provide for and clarify the position of trustee emeritus.

Judiciary.

The above bill was read a first time at length as required by the Constitution.

NOTICE IN WRITING

Rep. Cheatwood filed the following Notice in Writing:

NOTICE IN WRITING TO PROPOSE A NEW JOINT RULE

Notice is hereby given in accordance with the House Rule 6, that on the next legislative day a motion will be made to adopt a joint rule as follows:

Whenever either house declines or refuses to concur in amendments put to a bill originating in the other house, or refuses to adopt a substitute adopted by the other house on a bill it originated, a conference committee shall be appointed upon motion and the bill under consideration shall thereupon be considered by the conferees in a meeting at which a majority of the conferees are present. Only differences between the two houses shall be considered by the conferees and the conference report must not include other matters not voted upon and approved by a majority of such conferees at a meeting of the conference committee.

In voting in such conference committee, the committee of each house votes separately.

REPORT FILED

The Report of the Joint Interim Committee To Study Juvenile Justice, pursuant to H. J. R. 232 80-312 was submitted to the Alabama Legislature of 1981, and the report was ordered filed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. St. John:

S. J. R. 1. COMMITTEE CREATED TO NOTIFY THE GOVERNOR THAT THE LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Hilliard, Vacca, and White.

McDOWELL Lee,
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 1, set out in the above and foregoing Message from the Senate.

And the Speaker has appointed as members on the part of the House Reps. Patton, Grimsley and Hammett.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. St. John:

S. J. R. 2. COMMITTEE CREATED TO ESCORT THE GOVERNOR TO THE JOINT SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on February 3, 1981, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

BE IT FURTHER RESOLVED That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Messrs. Teague, Kirkland, and Pearson.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 2, set out in the above and foregoing Message from the Senate.

And the Speaker has appointed as members on the part of the House Reps. Adams, (H), Olive and Starkey.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Moore:

H. J. R. 7. COMMENDING MISS PAIGE PHILLIPS, MISS ALABAMA AND FIRST ALTERNATE TO MISS AMERICA, 1981.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama notes the selection of our own Miss Alabama as first alternate to Miss America for 1981 during the prestigious national pageant finals held in Atlantic City on September 6, 1980; and

WHEREAS, the lovely and talented Miss Phillips of Leeds, Alabama, just 17 years of age and the pageant's youngest contestant, is a freshman at Birmingham-Southern College majoring in speech pathology and music; and

WHEREAS, having already won a talent preliminary, Miss Phillip's ventriloquist's act on the night of the finals was an obvious favorite with the audience as well as with all her friends and fans back home in Alabama; and

WHEREAS, in addition to another scholarship she had already won, Miss Phillips was awarded an additional \$15,000 in scholarships during the finals and also will serve as Miss America in the event that the winner is unable to fulfill her term; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep admiration of her extraordinary beauty and exceptional talent, we most gratefully express this body's appreciation for the fame and honor Miss Paige Phillips has brought to the entire State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Miss Phillips in token of our admiration and high regard.

On motion of Rep. Moore, the rules were suspended and the resolution H. J. R. 7, was adopted.

Also:

By Rep. Moore:

H. J. R. 8. CORDIALLY REQUESTING MISS PAIGE PHILLIPS OF LEEDS, ALABAMA, TO APPEAR IN PERFORMANCE FOR THE ALABAMA LEGISLATURE.

WHEREAS, Miss Paige Phillips of Leeds, Alabama, currently serves as first alternate to Miss America for 1981; and

WHEREAS, in addition to extraordinary beauty and charm, Miss Phillips also is possessed of an exceptional talent which was brilliantly demonstrated the night of the pageant finals; and

WHEREAS, in standing ovation her audience expressed its pleasure and appreciation as did those of us at home privileged to view the nationally televised program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most cordially request Miss Paige Phillips to appear in performance for the Alabama Legislature at her

earliest convenience; we further direct that, by copy of this resolution, Miss Phillips be informed of our invitation and of our anticipation of her acceptance.

On motion of Rep. Moore, the rules were suspended and the resolution H. J. R. 8, was adopted.

STATE OF ALABAMA

I, Don Siegelman, Secretary of State, of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that in accordance with the provisions of Amendment No. XCVII, 1901 Constitution of Alabama, that the following named person was elected to the House of Representatives for the remainder of the term of the Honorable John McMillan, Jr., from District No. 95.

STEVE McMILLAN.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day, December 17, 1980.

DON SIEGELMAN,
Secretary of State.

OATH OF OFFICE

The oath of office was administered to Hon. Steve McMillan by Hon. Joe C. McCorquodale Jr., Speaker of the House of Representatives, in Tuscaloosa, Alabama.

RECESS

On motion of Rep. Manley, the House recessed until 6:00 o'clock p.m.

HOUSE RECONVENED

The hour of 6:00 o'clock p.m. having arrived the House reconvened. The Speaker called the House to order.

JOINT SESSION

The hour of 6:00 o'clock p.m. having arrived, the Senate and House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives, in accordance with House Joint Resolution No. 3 heretofore adopted, for the purpose of hearing an address by the Honorable Fob James, Governor of the State of Alabama.

The Joint Session was called to order by the Honorable George D. H. McMillan, Jr., Lieutenant Governor and Presiding Officer of the Senate.

GOVERNOR'S MESSAGE

His Excellency, Fob James, Governor of the State of Alabama, appeared before the Joint Session and delivered his address to the members of the Alabama Legislature.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

HOUSE RECONVENED

The House reconvened. The Speaker called the House to order.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Smith (J):

H. R. 9. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO WORK FOR THE REPLACEMENT OF THE CHAIRMAN OF THE UNITED STATES FEDERAL RESERVE SYSTEM, AND OF THE INORDINATELY STRINGENT MONETARY POLICIES PURSUED THEREBY.

WHEREAS, the year-long policy of credit restriction and high interest rates, imposed on the United States by the Federal Reserve System and its chairman, Paul A. Volcker, have caused an ongoing economic recession that has reduced the level of the nation's productive activity and the standard of living of the average American citizen; and,

WHEREAS, the above policy has been a contributing factor in the collapse of our industrial production in steel, auto, rubber, plastics, petrochemicals, and other basic, vital industries; and,

WHEREAS, the same policy has caused a dramatic reduction in agricultural incomes, leading to a wave of bankruptcies in the farm sector over the last 12 months, with the nation's construction sector suffering a similar shrinkage of activities; and,

WHEREAS, the municipalities of this State, like municipalities around the country, have been hit very hard by these policies, leading to a declining or stagnant tax base; and,

WHEREAS, Paul A. Volcker has renewed this policy of rising interest rates in recent weeks, in total disregard for its effects on the economy; now therefore,

BE IT FURTHER RESOLVED BY THE HOUSE OF REPRESENTATIVES, STATE OF ALABAMA: That this House motivated by the best interests of the population for which it is responsible, hereby calls upon the Alabama Congressional delegation to work for:

A. The removal of Paul A. Volcker as chairman of the Federal Reserve System; and,

B. Shifting the policies of the Federal System to fostering plentiful low interest credit for manufacturing, farming, and small business enterprises, thereby fostering a continually expanding tax base as well as stability in the bond markets, so that municipalities are enabled to provide the services necessary to a healthy American population; and,

BE IT FURTHER RESOLVED, that duly authenticated copies of this resolution, be transmitted to each of the members of the Congress elected from this State.

The resolution H. R. 9, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Seibels:

H. R. 10. HONORING MRS. JEANNETTE FRANK, NATIONAL PRESIDENT OF THE LADIES AUXILIARY TO THE VETERANS OF FOREIGN WARS OF THE UNITED STATES.

WHEREAS, In welcome and in tribute, the Legislature of Alabama notes the visit of Mrs. Jeannette Frank to the State of Alabama during the week of February 9 through February 14, 1981, such tour scheduled in the performance of her duties as National President of the Ladies Auxiliary to the Veterans of Foreign Wars of the United States; and

WHEREAS, long a champion of patriotism, Mrs. Frank's current office of leadership is a culmination of some 35 years of VFW Auxiliary membership which first was prompted through pride in two brothers who served in the military; and

WHEREAS, hers is a very special pride to be shared by us all, pride in those many who have served in the past, and those who now serve, in our country's armed forces, in sacrifice, to preserve the heritage of freedom that is ours in this great nation; and

WHEREAS, Mrs. Frank's theme for her tenure is the POWER OF PATRIOTISM, a moving force as exemplified in the lives of her own family through VFW and Auxiliary service; and

WHEREAS, in addition to her arduous duties in the VFW Auxiliary, Mrs. Frank is a prominent civic and community leader in her home town of Two Rivers, Wisconsin, holding membership and numerous offices of responsibility related to her involvement in community affairs; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That we most highly commend Mrs. Jeannette Frank for her patriotic leadership, national in its scope, and congratulate her on her presidency of the National Ladies Auxiliary to the Veterans of Foreign Wars.

BE IT FURTHER RESOLVED, That in gratitude for her concerned participation in the promotion of patriotism, we welcome Mrs. Frank to Alabama and direct that she receive a copy of this resolution, tendered in warm praise and in token of our regard.

On motion of Rep. Seibels, the resolution H. R. 10 was adopted.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole Bennett, Biddle, Brakefield, Buskey, Cheatwood, Cosby, Dixon, Escott, Gilmer, Gregg, Grimsley, Grouby, Hall, Harvey, Horn, Johnson (Roy), Kennedy, Laird, McMillan, Manley, Minus, Olive, Owens, Payne, Penry, Rains, Ray, Reed, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Turner, Turnham, Waggoner, Whatley, Williams and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Also:

By Reps. Smith (C), Whatley and Cates.

H. J. R. 11. COMMENDING THE ALABAMA CATTLEMEN'S ASSOCIATION.

WHEREAS, the Alabama Legislature notes with hearty congratulations that the Alabama Cattlemen's Association, in 1980, was once again number one in the nation in membership; and

WHEREAS, contributing to the Association's growth were 45 counties which reported increases over 1979 for a statewide total increase of 185 members, thus enabling the state organization to once again top 16,000; and

WHEREAS, through dynamic promotional efforts, education and representation, the Alabama Cattlemen's Association has traditionally provided the leadership necessary to further the growth of the beef cattle industry in Alabama, progress which is vital to the economy of our entire state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the Alabama Cattlemen's Association as the largest such association in the entire nation; we further direct that a copy of this resolution be forwarded to Mr. E. H. Wilson, Executive Vice President, in appreciation of the Association's accomplishments and contributions to the State of Alabama.

On motion of Rep. Smith (C) the rules were suspended and the resolution H. J. R. 11. was adopted.

Also:

By Rep. Owens:

H. J. R. 12. CREATING A CONTINUING LEGISLATIVE REVENUE PROJECTION COMMITTEE.

WHEREAS, due to the uncertainty of the future economic climate and fluctuations in the economy; and

WHEREAS, the state's education budget has been in proration for three consecutive years; and

WHEREAS, the general fund growth has varied; and

WHEREAS, there is a great need for a governmental body to study, forecast and project the future changes in the economy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Continuing Legislative Revenue Projection Committee. Said committee shall be composed of the State Finance Director, the Commissioner of the Department of Revenue, the Chairman of the State House of Representatives' Ways and Means Committee, the Chairman of the State Senate's Finance and Taxation Committee, the Director of the Legislative Fiscal Office and the Director of Center for Economics and Business Research.

Said committee shall analyze the taxes that have been collected in the first four months of the fiscal year and shall project the balance of the fiscal year tax revenues and growth. The committee shall advise the legislature of the actual projections of revenue for both the education and the general fund budgets.

The committee shall have its organizational meeting within 10 days after passage of this resolution. If and when it is necessary for the committee to meet during the interim, the legislative members shall receive their usual legislative pay, travel expenses and per diem for each day spent in attending committee meetings. Said money shall be paid out of legislative funds. The committee shall promulgate rules for calling itself into session as well as such other rules as it deems advisable for the orderly workings of the committee.

The resolution H. J. R. 12, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Gilmer:

H. R. 13. HONORING MR. AND MRS. RAYMOND TURNER OF SULLIGENT, ALABAMA, FOR OUTSTANDING SERVICE IN THE FIELD OF PUBLIC EDUCATION.

Also:

By Rep. Bennett:

H. R. 14. COMMENDING MRS. EULALIA KERBY VESS.

Also:

By Rep. Waggoner:

H. R. 15. CONGRATULATING THE 1980 STATE 4A FOOTBALL CHAMPIONS, THE VESTAVIA HILLS HIGH SCHOOL REBELS.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Blake:

H. J. R. 16. COMMENDING WAYNE SPRADLEY OF PELL CITY, ALABAMA, ON HIS OUTSTANDING ARTISTIC ACCOMPLISHMENTS.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama notes the many accomplishments of Mr. Wayne Spradley of Pell City, Alabama, who has become widely acclaimed as a young artist of extraordinary talent; and

WHEREAS, a native and lifelong resident of Pell City in Saint Clair County, Wayne Spradley spent four years in the United States Navy following high school graduation and, upon his return to civilian life, opened a sign shop and also began his present employment with Connor Steel Company in Birmingham; and

WHEREAS, as a junior in high school, Wayne Spradley had already won the Golden Key Award and his work had been purchased by the University of Alabama; in 1969 he began three years of intensive study in watercolor and from the time of his first exhibition has enjoyed the success of an accomplished artist; and

WHEREAS, with more than 150 major art awards to his credit, Mr. Spradley has exhibited all over the Southeast and in Maryland, and limited edition prints of his work are sold through a studio in Cottonwood, Tennessee; and

WHEREAS, his watercolors, increasingly, are of wildlife scenes and he was commissioned to paint the 1980 Alabama Duck Stamp, the original of which was presented with a recent exhibition of his winter collection; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Wayne Spradley of Pell City, Alabama, on his many accomplishments as an extraordinarily talented and successful artist.

BE IT FURTHER RESOLVED, That Mr. Spradley receive a copy of this resolution that he may know of our deep pride in his achievement and of our warm best wishes for continued success in his field.

On motion of Rep. Blake, the rules were suspended and the resolution H. J. R. 16, was adopted.

Also:

By Rep. Adams (C):

H. J. R. 17. CONTINUING THE LEGISLATIVE JOINT INTERIM EDUCATIONAL INSTITUTIONS STUDY COMMITTEE.

WHEREAS, the Regular Session of the Legislature of Alabama of 1980, by Act No. 80-720, H. J. R. 285, approved May 28, 1980, created a joint legislative interim committee to study educational institutions which receive money from state funds; and

WHEREAS, the committee has had many meetings, conducted many hearings, has made an exhaustive study and has prepared a report of its work to present to the Legislature not later than the tenth legislative day of the 1981 Regular Session; and

WHEREAS, additional study is needed in this area and it is necessary and desirable to continue said committee in existence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint interim committee heretofore established by Act No. 80-720, H. J. R. 285, of the Regular Session of the Legislature of 1980, approved May 28, 1980, shall continue in existence as presently constituted and shall continue its work as directed in said Act No. 80-720. The committee shall make a final report during the 1982 Regular Session of the Legislature, at which time the committee shall be terminated.

BE IT FURTHER RESOLVED, That no member of the committee shall be paid any per diem or expenses while the Legislature is in session, regular or special; however, at other times each member of the committee shall be

entitled to his per diem and expenses as provided for in Act No. 80-720. The per diem and expenses of the members for the continuance of the committee shall not exceed \$12,000 and shall be paid from any funds appropriated for the use of the Legislature.

The resolution H. J. R. 17, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Whatley, Turnham, Edwards and Ward:

H. J. R. 18. MOURNING THE DEATH OF EDWARD GINGLES.

WHEREAS, the Legislature was greatly saddened to learn of the death of Edward Gingles of Opelika; and

WHEREAS, Ed was a native of Butler County and the son of William Harvey Gingles and Gertrude Harbin Gingles; his mother still lives in Fort Deposit, Alabama; he graduated from Greenville High School where he played football; he served in the U. S. Air Force during World War II, was married to the former Betty Sue Maxwell of Tuscaloosa; and

WHEREAS, he received his B.S. Degree in Agriculture from Auburn University and he began working for the federal government in Andalusia in 1967; in 1968 he went to Clayton as Soil Conservationist of Barbour County; in 1973 he went to Opelika as Soil Conservationist of Lee County where he remained until his death; and

WHEREAS, he was always active in civic affairs and in helping his fellow man; he was a former member of the Kiwanis Club, a Shriner, and a member of Emmanuel Episcopal Church of Opelika; he was made Honorary State Farmer of the F.F.A. in 1975, and in 1970 was President of the Alabama Chapter, Soil Conservation Society of America; and

WHEREAS, Ed was a man who was much loved by all who knew him, whether they be dear friend or casual acquaintance; he possessed a warmth and a rare sense of humor that was renowned and enjoyed by all; and

WHEREAS, this Legislature would like to pay tribute to this great but humble man who made a significant and lasting contribution to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Edward Gingles and express our deep and sincere sympathy to his widow and mother and to his daughters, Mrs. Bill Jones, Mrs. William S. Farrington, and Miss Judy Gingles, to whom copies of this resolution shall be sent.

The resolution H. J. R. 18, was read and referred to the Standing Committee on Rules.

By Reps. Gafford and Biddle:

H. J. R. 19. MEMORIALIZING CONGRESS AND THE PRESIDENT TO NOTIFY ALL NATIONS THAT ANY FURTHER SEIZURES OF OUR EMBASSIES OR CITIZENS WILL BE TANTAMOUNT TO A DECLARATION OF WAR AGAINST THE UNITED STATES.

WHEREAS, this legislature and the citizens of this great state are overjoyed that the hostages formerly held by the Iranians are now safe; and

WHEREAS, this body does wish to memorialize the United States Congress and the President to declare that if any other nation seizes any of our embassies or our citizens and holds them hostage as was done in the case of Iran it will be considered as an immediate and instant declaration of war against this country and will be responded to in kind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do memorialize the Congress of the United States and the President of this nation to take such action as is necessary to declare and to notify all nations that any action on their part leading to the seizure of any United States embassy or any citizen or citizens of this country to be held hostage shall be considered as an act of war against the United States and that the United States will immediately reply to such act of war with all of its power and armed forces.

BE IT FURTHER RESOLVED That the Congress and the President be memorialized that this country should become prepared militarily to act as outlined above if any country is ever again so foolish as to take any of our citizens or embassies hostage.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each state legislature of the states of the union with the request that they consider passing similar resolutions.

The resolution H. J. R. 19, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 4. Relative to adjournment of the two Houses.

McDOWELL LEE,
Secretary.

MOTION TO ADJOURN

Rep. Waggoner offered the motion that the House adjourn until 9:00 o'clock a.m., Thursday, February 5, 1981.

SUBSTITUTE MOTION

The substitute motion offered by Rep. Manley that the Speaker be allowed to receive bills after adjournment, was adopted by unanimous consent.

ADJOURNMENT

On motion of Rep. Waggoner and pursuant to the resolution H. R. 5, heretofore adopted, the House adjourned until 9:00 o'clock p.m., Thursday, February 5, 1981.

SECOND DAY

House of Representatives
Montgomery, Alabama
Thursday, February 5, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Gerald C. Hallmark, Minister, Mt. Pisgah Baptist Church, Cropwell, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

JACK BIDDLE,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the first legislative day was approved.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 20. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, February 5, 1981, we adjourn to meet again on Tuesday, February 10, 1981, at 1:00 p. m.

On motion of Rep. Manley, the rules were suspended and the resolution H. R. 20, was adopted.

Also:

By Reps. McCorquodale and Manley:

H. J. R. 21. HONORING CLARANCE R. MYRICK, PROMINENT CLARKE COUNTY CIVIC AND POLITICAL LEADER.

WHEREAS, a native and lifelong resident of Clarke County, Clarence R. Myrick was born September 17, 1888, in Walker Springs, Alabama, and is a 1908 graduate of the First District Agricultural College, Jackson, Alabama; and

WHEREAS, C. R. Myrick moved to Coffeerville following graduation to accept a teaching position in the nearby community of Prospect; in 1910 he began teaching in Coffeerville and was later to serve a four-year tenure, from 1924 to 1928, as a member of the school's board of trustees; and

WHEREAS, a member of the Coffeerville United Methodist Church, Mr. Myrick's sincere persuasion is evidenced through faithful attendance, and through his devoted service as a former Sunday School Superintendent and as a member of the Board of Stewards since 1923; and

WHEREAS, Mr. Myrick's lifetime of interests and involvements, which have truly paralleled and kept pace with history, include ownership of a warehouse on the Tombigbee River during steamboat days, the operation of a ferry from Coffeerville to Choctaw County, as well as farming operations in Clarke and Choctaw Counties until some 20 years ago when he was more than 70 years of age; he also is a former director of the Clarke-Washington Electric Membership Corporation and has been a Mason for more than fifty years; and

WHEREAS, a former Justice of the Peace for a number of years, he also served as County Commissioner, District 3, from 1939 until 1948, and was a member of the County Board of Registrars from 1955 through 1960; and

WHEREAS, undoubtedly, Clarence R. Myrick's most distinguished community service was as chief municipal officer of Coffeerville for almost a quarter of a century, first elected Mayor in 1956 with subsequent victories until 1980 at which time he chose not to run for re-election; and

WHEREAS, outstanding among many accomplishments of this long and prestigious tenure were the realizations of a new town hall, jail and fire station, the paving of all streets within the city limits and the installation of a city water works system implemented in 1964 and which system Mayor Myrick continues to serve as manager; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the City of Coffeerville and all its citizens in paying tribute to their former longtime mayor and most prominent citizen, the Honorable Clarence R. Myrick.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mayor Myrick as evidence of our deep esteem and in sincere appreciation for his untold contributions as a distinguished Alabamian and a great American.

On motion of Rep. Manley, the rules were suspended and the resolution H. J. R. 21, was adopted.

Also:

By Reps. Biddle, Gafford and Waggoner:

H. J. R. 22. EXTENDING BEST WISHES OF THE LEGISLATURE TO MR. AND MRS. WILLIAM VAUGHN LEWIS OF BIRMINGHAM, ALABAMA.

WHEREAS, the Legislature of Alabama has noted, with utmost pleasure, the Wedding Anniversary on February 7, 1981, of Mr. and Mrs. William Vaughn Lewis of Birmingham, Alabama; and

WHEREAS, joined in matrimony on February 7, 1921, William Vaughn Lewis and the former Estelle Bass have remained in said holy state for sixty years; and

WHEREAS, they have lived their lives as one, devoted to one another, and remained steadfastly faithful to their marriage vows, setting an enviable example for others to follow; and

WHEREAS, Mr. and Mrs. Lewis are the parents of two sons, and a daughter now deceased; they also have six fine grandchildren and are the great-grandparents of four wonderful children; and

WHEREAS, in celebration and observance of this joyous occasion, and at a reception in their honor, hosted by their children, Mr. and Mrs. Lewis shared their happiness with all their family and with many of their friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in congratulations extended to this exemplary couple of Birmingham, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. and Mrs. Lewis that they may know of our warm best wishes for continued happiness and joy.

On motion of Rep. Biddle the rules were suspended and the resolution H. J. R. 22, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. R. 9. REQUESTING THE ALABAMA CONGRESSIONAL DELEGATION TO WORK FOR THE REPLACEMENT OF THE CHAIRMAN OF THE UNITED STATES FEDERAL RESERVE SYSTEM, AND OF THE INORDINATELY STRINGENT MONETARY POLICIES PURSUED THEREBY.

On motion of Rep. Smith (J), to adopt the resolution H. R. 9, was lost.

Yeas 19; Nays 23.

Yeas:

Reps.: Adams (C), Barton, Biddle, Brakefield, Carter, Crimsley, Holley, Laird, McMillan, Minus, Mitchell, Moore, Owens, Payne, Penry, Rains, Smith (C), Smith (J) and Willis.

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Nays:

Reps.: Cabaniss, Cooley, Cosby, Dial, Dixon, Gilmer, Hammett, Howard, Lewis, Olive, Parker, Pegues, Ray, Riddick, Roberts, Seibels, Starkey, Stewart, Stout, Turnham, Venable, Whatley and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

NOTICE IN WRITING

Rep. Brakefield filed the following Notice in Writing:

NOTICE IN WRITING TO AMEND HOUSE RULE 43

Notice is hereby given in accordance with the House Rule 6, that on the next legislative day an amendment to House Rule 43 will be proposed as follows:

Amend House Rule 43 by striking (14) Commerce and Transportation, and adding in lieu thereof (14) Commerce, Transportation and Utilities.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 18. MOURNING THE DEATH OF EDWARD GINGLES.

On motion of Rep. Whatley, the resolution, H. J. R. 18, was adopted.

Also:

H. J. R. 12. CREATING A CONTINUING LEGISLATIVE REVENUE PROJECTION COMMITTEE.

On motion of Rep. Owens, the resolution, H. J. R. 12, was adopted.

Also:

H. J. R. 17. CONTINUING THE LEGISLATIVE JOINT INTERIM EDUCATIONAL INSTITUTIONS STUDY COMMITTEE.

On motion of Rep. Manley, the resolution, H. J. R. 17, was temporarily postponed.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 4. RELATIVE TO MEETING DATES FROM FEBRUARY 3, 1981 to FEBRUARY 17, 1981.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set in the above and foregoing report of the Standing Committee on Rules.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 11. To amend §40-18-74, Code of Alabama 1975, to require certain employers to remit to the Department of Revenue on a monthly basis the amount of income tax required to be deducted and withheld from the wages of their employees.

H. 69. To amend extensively the "Sunset Act of 1976", in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or non-enumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine die of the legislative in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

H. 59. To create an Equipment Management Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Management Surplus Reserve Account; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment; the provisions of this act shall be retroactive to October 1, 1980.

H. 9. To provide increased criminal penalties and to remove juvenile offender status for certain persons convicted of committing certain crimes against elderly citizens.

H. 31. To amend Section 32-6-1 of the Code of Alabama 1975, relating to drivers' licenses and the renewal of such licenses, so as to prescribe that the department of public safety shall mail renewal notices to each licensee at least thirty days prior to the expiration date.

H. 54. To amend Section 31-2-60, Code of Alabama 1975, which provides for the organization of the military department; qualifications, appointment, rank, etc., of employees of the military department; applicability of merit system to department officers and employees so as to further provide for the number of assistant adjutants general for army that are authorized by National Guard Bureau rules and regulations.

H. 163. Relating to the practice and profession of personal property appraising; defining the practice and profession of personal property appraising; providing for the licensing, examination and regulation of personal property appraisers; creating the Alabama State Board of Appraisers and prescribing its powers, duties and authority; providing for the issuance of licenses and certificates of competency of appraisers; prescribing qualifications of appraisers; providing for the collection and disbursement of examination and other fees and charges; providing for the enforcement of this act and prescribing penalties for violations thereof.

H. 194. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1982, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same return to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 79. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

The above bill was read a second time at length as required by the Constitution.

H. 82. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1980 session of the Legislature, with the exception of the Alabama Business Corporation Act (Act No. 80-633, H. 81, 1980 Regular Session), as contained in the 1980 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement.

H. 90. To provide for a durable power of attorney that may survive disability, incompetency, or incapacity or until actual knowledge of death of the principal.

H. 298. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901 to increase the number of trustees of the University of Alabama and to provide for their election; to provide for the retirement of the trustees; and to alter the terms and provide a maximum number of consecutive terms of service; and to provide for and clarify the position of trustee emeritus.

The above bill was read a second time at length as required by the Constitution.

H. 222. To amend the title, Section 1 and Section 3 of Act No. 80-635, H. 242, Regular Session 1980 (Acts of Alabama 1980, p.) providing for the establishment of a fee to be collected from the proceeds of all judicial sales; and to provide for the distribution of said fees, so as to provide that the provisions of said Act shall only apply to judicial sales originating in the district and circuit courts of this state and shall not apply to judicial sales originating in the probate courts of this state.

H. 83. To amend Sections 37-2-41, 37-4-23 and 37-4-24 of the Code of Alabama 1975 relating to inspection and supervision fees paid by transportation companies and utilities and the recovery of delinquent fees.

H. 35. To repeal section 12-18-62 of the Code of Alabama 1975 which disallows the practice of law by retired district judges.

H. 84. To amend Section 16-13-146 Code of Alabama 1975 to increase the interest rate which county and city boards of education may pay on current loans secured in accordance with the provisions of Section 16-13-145, Code of Alabama 1975.

H. 271. To repeal Section 12-18-89, Code of Alabama 1975, which prohibits probate judges from practicing law.

H. 81. To amend Section 27-29-2, Code of Alabama 1975 (as amended Act Number 80-199, Acts of Alabama 1980), which provides for investments in subsidiaries and affiliates of domestic insurance companies.

H. 5. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

H. 171. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

H. 288. To further regulate the sale of alcoholic beverages under the supervision of the Alabama Alcoholic Beverage Control Board in each municipality, in each county, and in all state parks; to authorize referendum

elections in each municipality to determine if the sale of alcoholic beverages within the corporate limits will be allowed or if the sale of alcoholic beverages within the corporate limits will be prohibited, upon the petition of 25% of the number of registered voters casting a ballot in the last municipal election in said municipality; to provide that a period of not less than 720 days must elapse between the dates of such referendum elections; to authorize the governing authority of each municipality to establish the hours of sale for alcoholic beverages in the corporate limits and the governing authority of the county to establish the hours of sale for alcoholic beverages outside the corporate limits but within the county each and every day of the week; to provide that the governing authority of each municipality must approve each retail alcoholic beverage license application location within the corporate limits and the governing authority of the county must approve each retail alcoholic beverage license application outside the corporate limits but within the county before the Alabama Alcoholic Beverage Control Board has the authority to issue a retail alcoholic beverage license; to provide that the Alabama Alcoholic Beverage Control Board may issue, with the approval of the Commissioner of the Department of Conservation and Natural Resources, a special retail license to any state park in Alabama or the franchisees or concessionaires of state parks; and to further provide that the Commissioner of the Department of Conservation and Natural Resources may establish the hours of sale of alcoholic beverages in state parks.

H. 110. To amend Section 36-25-1 of the Code of Alabama 1975 relating to the state ethics law so as to further provide for the definition of public employee.

H. 223. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

H. 32. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section

7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504 pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the general rule for transition to the new U. C. C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same return to the House with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

H. 7. (With Substitute): To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the legislative council to be the committee to review all rules of state agencies; requiring every state

agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the calendar, to-wit:

H. 118. To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination or conviction.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

H. 257. (With Amendment): To amend section 28-4-115 of the Code of Alabama 1975 so as to provide for a fine of not more than \$5,000.00 in addition to the term of imprisonment for transporting alcoholic beverages.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 8. To authorize peace officers whose arrest powers are otherwise limited to a particular subdivision or subdivisions to make arrests in other subdivisions of this state in hot pursuit situations; to describe the arrest powers of such officers in hot pursuit situations; to define "hot pursuit;" to provide that this act shall not be construed to limit in any way the arrest powers of any peace officer; and to provide an effective date.

H. 226. This bill relates to legal expense insurance and to Legal Service Insurance Corporations; creating chapter 42 of Title 27, Code of Alabama, 1975, consisting of ss. 27-42-1 through 27-42-23; authorizing organization of legal service insurance corporations, providing for exceptions; providing for public regulation of legal service insurance corporations; providing for deposit or bond; providing policy and certificate form and premium rate requirements; requiring annual reports and making certain provisions of the insurance laws applicable to legal service insurance corporations; providing for registration of contracting sales agents and the reporting and accounting of funds received; providing grounds and procedure for compulsory and discretionary revocation, suspension or refusal of registration for contract sales agents; providing for administrative fine in lieu of suspension or revocation of registration; providing that the act shall not regulate the practice of law or the authority of the Supreme Court of Alabama or State Bar of Alabama; providing an effective date.

H. 284. Relating to the state ethics law for public officers and employees (Title 36, Chapter 25, as amended, Code of Alabama 1975); to amend sections 36-25-1, 36-25-4, 36-25-14 and 36-25-30, Code of Alabama 1975 as amended, which sections relate to definitions, powers and duties of the state ethics commission, the filing of statements of economic interests, and to the construction of said Chapter 25, Title 36, Code of Alabama 1975, as amended, so as to include within the definition of "Public Official" certain persons, firms or corporations which have contracts with the state, or any agency

thereof, which contracts provide for personal or professional services; to require the filing of financial statements by such persons, firms or corporations; to prohibit the state ethics commission from issuing any opinion, ruling or regulation limiting or otherwise affecting campaign or political contributions to candidates for public office or to incumbent public office holders, except to require the reporting of any such contributions in a statement or report to be filed with the commission; and to provide that if any single provision of Chapter 25, Title 36, Code of Alabama 1975, as amended or superseded, is held unconstitutional or invalid by a court having jurisdiction then the entire provisions of said Chapter 25 shall be deemed invalid or unconstitutional and shall, in that event, have no further force or effect of law.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

H. 47. (With Substitute): Relating further to health and accident insurance policies issued within this state; to provide further for the consideration of claims by the company issuing said policies; to provide that the insurance company shall pay interest on the unpaid amount of any such claims after a certain period of time from receipt of proof of loss; to provide for other penalties; and to provide reasonable attorneys' fees when an insured is forced to resort to legal action or bear the expenses of an appeal in order to recover under the policy.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 4. To require persons, firms and corporations dealing in antique, second-hand, used and scrap jewelry and precious metals to retain said items for seventy-two hours, to register with the sheriff and chief of police, and to maintain certain records pertaining thereto; and to make violations thereof Class B misdemeanors.

H. 134. To make it unlawful for any person, firm, partnership or corporation to have an unauthorized flashing or rotating blue light operating within a certain distance of the right-of-way of any public street, road or highway and to prescribe penalty for violation.

H. 135. To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

H. 25. To authorize certain governmental agencies to donate things of value to any voluntary fire department or rescue squad.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

H. 40. (With Substitute): To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of hotel owners, so as to provide that the hotel owners be required to install a smoke detector in each hotel room.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 50. To relieve the State of Alabama Personnel Director of the duty of publishing the names and addresses of state employees, as is required by Section 36-26-8(b) (14), Code of Alabama 1975, and to repeal said section in part.

H. 191. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 213. To abolish the State Licensing Board for the Healing Arts; to remove all of the powers of the State Licensing Board for the Healing Arts with regard to chiropractors to the State Board of Chiropractic Examiners; and to provide for the transfer of property and assets to the State Board of Medical Examiners for the use of the Medical Licensure Commission.

H. 214. To create a commission to be known as the Medical Licensure Commission appointed by the Governor, Lieutenant Governor, and Speaker of the House; to set the terms of office of the members of the Commission and stagger those terms; to give the Commission exclusive power and authority to issue, revoke and reinstate all licenses to practice medicine or osteopathy; to give the Commission authority to promulgate reasonable rules and regulations; to require the Commission to receive and consider but not be bound by the recommendation of the State Board of Medical Examiners prior to exercising its authority under this Act; to provide that all personnel and facilities necessary for administration of this Act be furnished by the State Board of Medical Examiners, and to provide that all money, funds, fees, charges, and other receipts for in this Act be paid to the State Board of Medical Examiners to carry out the provisions of this Act; to authorize the State Board of Medical Examiners to employ the individuals necessary for assisting the Commission; to give the Commission and the Board power to call upon prosecuting attorneys for assistance without charge; to give an applicant whose application for a certificate of qualification is denied by the Board a right of appeal to the Commission; to provide for appropriate fees to be charged for administration of this Act; to provide that the State Board of Medical Examiners shall have the duty to promote continuing medical education of all licensed physicians and osteopaths and empower the Board to provide funds to any non-profit corporation for the purpose of conducting continuing medical education programs without being bound by competitive bidding laws; to establish the necessary administrative provisions for administration of this Act; to authorize the State Board of Medical Examiners to collect all fees provided for in this Act and require the Board of Medical Examiners to furnish all employees and facilities utilized by the Commission; to provide that the State Board of Medical Examiners shall continue to collect fees for examination, certificates of qualification, and such other fees as are authorized by law or this Act; to give the Commission authority to seek an injunction against any person engaged in the unlawful practice of medicine or osteopathy; to require that licenses to practice medicine or osteopathy be recorded in the office of judge of probate in the county in which the licensee resides; to provide that any person who practices medicine or osteopathy without having complied with the

trial judge may be imprisoned in the county jail for not more than 12 (twelve) months; to provide that each day a person practices medicine or osteopathy without meeting all of the requirements of all laws now in force and of this Act shall constitute a separate offense; to provide that any person filing or attempting to file as his own a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree; to give the Medical Licensure Commission the power and duty to suspend for a specified time to be determined in the discretion of the Commission or revoke a license whenever the licensee is found guilty on the basis of substantial evidence of any of the specified grounds in the Act; to establish acts or offenses which constitute grounds for the Medical Licensure Commission to suspend or revoke licenses to practice medicine or osteopathy; to provide that every physician who accepts the privilege of practicing medicine or osteopathy in the State of Alabama by actually practicing or by making and filing an annual registration to practice medicine or osteopathy shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations at the direction of the Board or Commission and provide that the physician shall be deemed to have given his consent to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications; to establish procedures by which the State Board of Medical Examiners shall investigate complaints against physicians or osteopath; and make recommendations to the Medical Licensure Commission; to establish procedures by which hearings for suspension or revocation of a license shall be conducted by the Commission; to give the authority to the Commission to temporarily suspend the license of a physician or osteopath without a hearing where the physician's or osteopath's continuation in practice may constitute an immediate danger to his patients or to the public; to provide procedures whereby a physician or osteopath may surrender his certificate of qualification or request in writing that a restriction be placed on his certificate of qualification; to specify the actions that may be taken by the Commission if a physician or osteopath is found guilty of any of the acts, offenses or conditions specified in this Act; to grant subpoena power to the Commission and to the Board; to authorize depositions to be taken on a commission issued by the executive officer of the Commission or by the executive director of the Board; to provide that any order of the Medical Licensure Commission suspending or revoking a license to practice medicine or osteopathy shall have immediate effect and shall not be stayed or held in abeyance by any court; to provide that if a court of competent jurisdiction determines that the Commission acted arbitrarily or capriciously or that the Commission grossly abused its discretion, that the order of the Commission shall be vacated upon issuance of a peremptory writ of mandamus; to provide that the reviewing court shall not itself hear or accept any further evidence with respect to issues of fact determined by the Commission; to provide for the repeal of conflicting laws; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

H. 215. To authorize the investigators of the State Board of Medical Examiners to enforce the provisions of the Alabama Uniform Controlled Substances Act and to grant to such investigators the powers of peace officers in the performance of their duties.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment. and it was read a second time and placed on the calendar. to-wit:

H. 49. (With Amendment): To provide that medical hospitals for humans, emergency rooms connected thereto, and nursing homes, submit itemized statements, upon request, to patients, of services rendered by said institutions and to provide penalties for failure to submit said statements.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 286. To provide further for political contributions by corporations, whether for profit or non-profit, or any agent or officer acting in their behalf.

H. 287. To amend Section 5 of Act No. 738, S. 533 of the 1980 Regular Session, which act provides for allowable interest surcharge, allowable interest rates or finance charges determined by the prime rate charged by certain banks, and open-end credit plans, so as to change the termination date provisions of this act.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 157. To amend Section 31-6-9, Code of Alabama 1975, which section relates to certain educational benefits for wives, widows or dependents of Alabama veterans under Title 31, Chapter 6 of the Code of Alabama 1975, so as to provide that those dependents shall not lose benefits because of an interruption in schooling due to illness.

H. 174. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

H. 205. To amend Code of Alabama, 1975, § 16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 63. To amend Section 2-22-9, Code of Alabama 1975, relating to the collection of inspection fees for commercial fertilizer; to allow the State Board of Agriculture and Industries to set the inspection fee at an amount no greater than \$.50 per ton.

H. 65. To amend Section 8-15-3, Code of Alabama 1975, relating to the filing fee for public warehouses; to amend Section 8-15-18, Code of Alabama 1975, relating to the requirement for fire and hazard insurance for all goods stored in public warehouses.

H. 68. To repeal Sections 8-17-60 through 8-17-64, Code of Alabama 1975.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

H. 27. (With Amendment): To provide that law enforcement officers employed by the Department of Conservation and Natural Resources may retain their badge, pistol and such other equipment as the department may designate upon their retirement.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the calendar, to-wit:

H. 210. To amend Section 9-11-194 of the Code of Alabama 1975, relating to the marking of licensed, wire fish baskets so as to provide that the location of said baskets shall not be required to be marked with a buoy or float.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

H. 281. (With Amendment): To provide that law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, pistol and such other equipment as the department may designate upon their retirement.

H. 282. (With Amendment): To provide that law enforcement officers employed by the Department of Conservation and Natural Resources and law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, pistol and such other equipment as the department may designate upon their retirement.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the calendar, to-wit:

H. 291. To permit a period of silence to be observed for the purpose of meditation or voluntary prayer at the commencement of the first class of each day in all public schools.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

H. 263. (With Amendment): Relating to elections; providing that no political party, except those parties qualified under Title 17, Chapter 16 of the Code of Alabama 1975, shall be included on any general election ballot unless the party shall have filed with the secretary of state at least 120 days prior to any such general election a list of the signatures of at least one-fourth of one percent of the electors of the state, district, county or other political subdivision in which the political party seeks to qualify candidates for office, and unless the party shall have fulfilled all other applicable requirements of federal, state or local laws.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the calendar, to-wit:

H. 264. To propose an Amendment to the Constitution of Alabama of 1901 to provide further for the qualification of voters and the regulation of elections.

The above bill was read a second time at length as required by the Constitution.

Rep. Holley, Chairman of the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 3. To amend Section 37-3-4 of the Code of Alabama 1975, known as the Alabama Motor Carrier Act, so as to provide that any motor vehicle used in the transportation of houses shall be exempt from the provisions of the Motor Carrier Act except those provisions pertaining to registration of operators, identification of motor vehicles, and appropriate safety standards.

H. 6. To provide for and designate the Alabama Capitol Complex Planning District; to establish the Capitol Complex Planning Commission to develop a comprehensive and long-range plan for development of the capitol complex; and to provide for the appointment and duties of the commission.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 115. To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901.

The above bill was read a second time at length as required by the Constitution.

H. 71. To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members; and providing liability insurance protection for county officials, county employees and county property.

H. 154. To establish standards under which municipalities, in Classes 7 and 8, may purchase personal services or personal property from the elected officials of such municipalities; to require disclosures; to establish procedures; and to repeal conflicting laws and statutes.

H. 155. To amend Section 41-16-52, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to increase the present limits on expenditures for repair or lease of heavy duty off-highway construction equipment that may be made without the requirement of competitive bids being taken from \$1,500 to \$6,000 on parts and repair and from \$1,500 to \$3,000 per month on the lease of such equipment.

H. 156. To amend Section 11-43-4, Code of Alabama 1975, to provide that the clerk and other officers of a city or town elected by the council shall serve until their successor or successors are elected and qualified.

H. 127. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality, and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality, such agency or such municipal public corporation under authority of laws other than this act.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

H. 190. (With Amendment): To amend Section 23-4-20 of the Code of Alabama 1975, relating to the vacation of streets or alleys, by providing that the governing body of a municipality wherein a street or alley is located, or the governing body of a county if such street or alley is located outside the city limits of a municipality, may require the payment of the value of such land being vacated to such municipality or county; and to further provide that such vacation shall not affect the continuing existence in said vacated land of a right-of-way or easement for existing utility installations and any sanitary or storm sewer.

Rep. Ford, Chairman of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 55. To provide that members of the national guard while on emergency state active duty and while actually performing a mission in connection with emergency state active duty, and when the Governor has declared that emergency powers are necessary, members of the national guard selected by the Adjutant General or his designated representative, shall be possessed with the same legal authority as any other state law enforcement officer, including but not limited to all law enforcement powers including powers of arrest and to further provide for the wearing of badges.

H. 56. To provide for criminal penalties for failure to obey a lawful order of a member of the state national guard when said member of the national guard is lawfully serving on state active duty.

H. 57. To amend Section 31-2-90, Code of Alabama 1975, which provides for appointment of defense counsel in actions against members of the national guard, so as to make such counsel available at state expense, from the regular or special appropriations for the maintenance of the national guard or the general fund, in the discretion of the governor, when the adjutant general determines that a member of the national guard acted reasonably or in his official capacity in the discharge of any duty under the military code.

H. 250. To provide for the issuance of distinctive license plates to recipients of the Medal of Honor.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 86. Relating to Marengo County; authorizing the county commission to increase the mileage allowance of the county coroner and providing for its retroactive effect.

H. 109. Relating to Calhoun County; to levy a privilege or license tax upon the sale, distribution or storage of beer; to fix the amount or rate of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

H. 137. Relating to Sumter County; prescribing certain limitations on procedures for extending the corporate limits and boundaries of incorporated municipalities in said county.

H. 138. Relating to Choctaw County; to provide for the replacement of casings in certain wells located in the county.

H. 139. Relating to Sumter County; to provide for the replacement of casings in certain wells located in the county.

H. 140. Relating to Sumter County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

H. 172. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Glen Allen, in Fayette County.

H. 173. Relating to Lamar County; to provide further for the compensation of certain election officers.

H. 251. Relating to St. Clair County; to further amend sections 3 and 9 of Act No. 243, H. 509, of the Regular Session of 1979 relating to a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board and who shall have the authority to suspend an employee for certain reasons.

H. 252. Relating to St. Clair County; to provide for additional per diem payments to each member of the Board of Equalization.

H. 253. Relating to St. Clair County; amending Act No. 80-520, H. 1057, 1980 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to limit the mileage allowance to only the returning officer.

H. 268. Relating to Covington County; providing for an additional expense allowance for the members of the board of registrars of said county and providing for its retroactive effect.

H. 269. Relating to Covington County; to legalize the sale of draft or keg beer or malt beverages.

RESOLUTION

The following resolution was introduced:

By Rep. Blake:

H. J. R. 23. NAMING HIGHWAY 144 IN SAINT CLAIR COUNTY, ALABAMA, THE "POP DICKINSON HIGHWAY."

WHEREAS, Leon Ullman Dickinson has been a beloved and respected citizen of Ragland in Saint Clair County, Alabama, since 1935, when he moved to that area to establish and operate his own sawmill business; he was later to enter the lumber and building supply business and remain actively engaged in its operation and management until his retirement at the venerable age of 94; and

WHEREAS, affectionately and widely known simply as "Pop" Dickinson, he is now 96 years of age and yet a viable force for goodness in his beloved hometown of Ragland and in all of Saint Clair County; and

WHEREAS, it is to be admirably noted that during the two decades between 1940 and 1960, Pop Dickinson, in the course of his business and without charge, financed the cost of building materials and supplies for more than 50% of the homes built in Ragland; and

WHEREAS, though he, himself, is modest in his generosity, his fellow citizens are aware, in love and gratitude, of his lifetime spent in care and concern for his fellowman; and

WHEREAS, he is a Mason of many years' standing, a member of the Civitans, a member of the First United Methodist Church of Ragland where he served as Deacon for many years, and he is a past member of the local Housing Authority Board; and

WHEREAS, Mr. Dickinson, who has long been actively involved with the Boy Scout Program, holds the organization's coveted Silver Beaver Award; he further numbers among his civic contributions continuing participation in the affairs of his community that are to the good and betterment of his neighbors and friends; and

WHEREAS, among accolades of his friends are to be found tributes to his "love," "generosity," "understanding," "wisdom," "gentleness" and "wit"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and in gratitude to Leon Ullman Dickinson, Highway 144 in Saint Clair County, Alabama, is hereby named and designated as the "Pop Dickinson Highway."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said Highway as the "Pop Dickinson Highway."

RESOLVED FURTHER, That Mr. Dickinson receive a copy of this resolution that he and his family may be aware of this honorary designation tendered in appreciation and in high regard.

On motion of Rep. Blake, the rules were suspended and the resolution H. J. R. 23, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Campbell:

H. 299. To provide that the retirement income of military personnel shall be exempt from state, county and municipal income taxes the same as the exemptions provided for by sub-sections (a) (1) (2) (3) of Section 40-18-19 Code of Alabama 1975.

Ways and Means.

By Rep. Manley:

H. 300. To prescribe the authority and powers of Attorney General's investigators.

Judiciary.

By Rep. Bennett:

H. 301. To further regulate interest rates on life insurance policy loans and to provide for any conflicts between the provisions of this bill and Section 27-15-5, Code of Alabama 1975.

Insurance.

By Rep. Bennett (With Notice and Proof):

H. 302. Relating to Jefferson County; levying a fee on all hazardous waste, shipped or transported into, maintained or stored in, or created or disposed of in Jefferson County; to provide for the establishment of an inspection and monitoring authority for hazardous waste loading, unloading, storage and disposal facilities in Jefferson County; to provide for the collection of said fee; to provide for the disbursement of said fee; and to provide penalties for violations.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 302, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dixon:

H. 303. To require a 4/5 vote of each house of the legislature in certain line items in general appropriations Acts.

Ways and Means.

By Reps. Dial, Warren, Naramore, Grouby, Daniels, Barton, Riddick, Brakefield, Bedsole, Starkey, Cosby, Edwards and Turner:

H. 304. To make a supplemental appropriation for the use of the State Department of Corrections for payment to the several counties for a portion of expenses incurred for the housing and confinement of state prisoners in county jails and to make such appropriation conditional upon the condition of the State General Fund and upon the approval of the Governor.

Ways and Means.

By Rep. Sandusky:

H. 305. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

State Administration.

By Rep. Holley:

H. 306. To provide further for child support payments and child visitation rights; to provide that the assets of both parents will be considered in determining the amount of the support; and to provide that failure by the parent who has custody to allow visitation privileges to the other parent shall result in the suspension of the obligation to make support payments during the period in which visitation is denied.

Judiciary.

By Rep. Smith (C):

H. 307. To provide for a teachers' aide program in the public schools.

Ways and Means.

By Rep. Riddick:

H. 308. To prescribe certain court procedure that must be followed during criminal proceedings involving sexual offenses so as to protect the reputation of the victim of said offenses.

Judiciary.

By Rep. Riddick:

H. 309. To provide for the conviction as criminal of those who engage in or assist others in engaging in the act of prostitution and to provide the punishment for said crime.

Judiciary.

By Reps. Daniels, Laird, Dial, Mitchell, Gregg, Dixon, Bedsole, Wyatt, Shoemaker, Ford, Cheatwood, Olive, Amari, Penry, Harper (T), Lewis, Cosby, Payne, Barton, Bennett, Biddle, Waggoner, Turnham, Brakefield, Riddick, Stout, Patton, Naramore, Cooley, Roberts, Manley, Pegues, Grimsley, Parker, Whatley, Crow, Willis, Minus, Harper (O), Ray, Turner, Hammett, Langford, Carothers, Carter, Albright, Hall, Boles, Starkey, Ward, Zoghby, Williams, Gilmer, Trammell, Drinkard, Adams (C) and Blake:

H. 310. Relating to motor vehicles; requiring as a condition of registration that every person applying for the registration or licensing of a motor vehicle shall secure and pay the premium on a motor vehicle liability insurance policy issued by an insurance company authorized to transact business within the State of Alabama, or otherwise establish financial responsibility, and to facilitate the procuring of such insurance to provide for an assigned risk plan among insurance companies for the equitable apportionment among such companies of undesirable risks.

State Administration.

By Rep. Daniels:

H. 311. To provide that all legal provisions and references to Teacher Institute may be fulfilled by having a teacher workday in the schools prior to the first student day of the school year.

Education.

By Reps. Daniels, Dixon, Holley and Johnson (Roy):

H. 312. To amend §16-24-31, Code of Alabama, 1975 as amended, to provide that not more than two members of the state tenure commission may be appointed from any one congressional district.

Education.

By Reps. Daniels, Campbell and Willis:

H. 313. To provide for the distribution of twenty-five percent of all funds received during any fiscal year from any state-owned forest lands to the county in which the forest land is located.

Ways and Means.

By Rep. Daniels:

H. 314. To amend Section 12-16-34, Code of Alabama 1975, which provides for the compensation of members of the jury commissions, so as to increase said compensation.

Ways and Means.

By Reps. Daniels, Williams, Dixon, Sasser, Cates and Holley:

H. 315. To amend section 25-4-52 and 25-4-54 of the Code of Alabama 1975 relating to unemployment compensation, so as to exclude employers and employees from contributing to the unemployment trust fund when an employee is drawing retirement benefits from the armed services.

Ways and Means.

By Reps. Shavers, Hall and Stout (With Notice and Proof):

H. 316. Relating to the city of Scottsboro in Jackson County; to authorize the city governing body to establish a historic preservation commission and to adopt ordinances and regulations to protect historic architectural character and preserve the general historic character of the city by allowing the designation of historic districts, areas, and sites and adopting other provisions necessary to carry out the purposes of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 316, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Cates:

H. 317. Providing for a decrease in the 1980-81 appropriation to the teachers' retirement system; providing a method for the return of this money to the state treasury; providing for the creation of a preretirement death fund effective as to all active employees covered by the teachers' or employees retirement system of Alabama; and providing that no appropriation shall be necessary to fund the provisions of this bill.

Ways and Means.

By Rep. Cates:

H. 318. To repeal Section 5-2A-103, Code of Alabama 1975, which provides for the payment of operating expenses of the bureau of credit unions.

Ways and Means.

By Rep. Cates:

H. 319. To amend Section 5-2-120, Code of Alabama 1975, which provides for the appointment of the credit union board of the bureau of credit unions and to amend Section 5-2-121 which provides for meetings of the credit union board of the bureau of credit unions.

Ways and Means.

By Rep. Cates:

H. 320. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-19-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

Banking.

By Rep. Cates:

H. 321. To amend Section 5-5A-19, Code of Alabama 1975, as amended, to provide that the amount of reserve which a bank not a member of the Federal Reserve System shall maintain is to be fixed by resolution of the Banking Board and to strike the provisions of existing law fixing minimum and maximum amount of required reserves.

Banking.

By Rep. Dixon:

H. 322. To amend Section 16-25-19, Code of Alabama 1975, relating to the composition of the Board of Trustees of the Teachers' Retirement System and procedures for the election of its members.

State Administration.

By Rep. Dixon:

H. 323. To amend section 13A-10-8, Code of Alabama 1975, dealing with the crime of rendering a false alarm of fire or other emergency involving danger to life or property, so as to enlarge the scope of the criminal activity therein proscribed and increase the penalty for such newly proscribed criminal activity.

Judiciary.

By Rep. Pegues:

H. 324. An Act to provide for the establishment of a Board of Commissioners for Alabama Universities; to describe the scope, authority, and duties of such Board of Commissioners; to provide for the composition of, eligibility for, and succession to the Board; to provide for the method of filling vacancies to the Board; to provide that funds shall be appropriated for the operation of the Board; to provide that the Board shall make reports to the Governor and the Legislature; to provide for rule making authority in the Board, procedures for requiring compliance with Board policies and rules, procedures for approval of new programs, withdrawal of approval for inefficient programs, approval of new institutions, and approval of fees and tuitions; to provide that the Board shall submit and recommend a unified budget; to proscribe new institutions or off-campus educational activities without approval of the Board; to provide for the method of appropriating funds for private institutions or students attending same; to authorize the Board to reallocate institutional budgets; to authorize the Board to consolidate or abolish institutions and to grant the Board authority to abolish or add degrees; to provide for the staff and the employment of other professional and clerical personnel and for their compensation.

Ways and Means.

By Rep. Pegues:

H. 325. An Act to provide for the establishment of a Board of Trustees for certain public postsecondary institutions of higher education and describing the scope, authority, and duties of such Board of Trustees; to provide for the composition of, eligibility for, and succession to the Board; to provide for the method of filling vacancies to the Board and that funds shall be appropriated for the operation of the Board; to provide that the Board shall make

reports to the Governor and the Legislature; to provide that the Board shall submit to the Legislature a single unified recommended budget allocating the Board's appropriation among all of the institutions under its jurisdiction; to provide for rule making authority in the Board, procedures for requiring compliance with Board policies and rules, procedures for approval of new programs, withdrawal of approval for inefficient programs, approval of new institutions, and approval of fees and tuitions; to proscribe new institutions or off-campus educational activities without approval of the Board; to provide for review by the Board of requests for funds prior to appropriating funds for private institutions or students attending same; to authorize the Board to reallocate institutional budgets; to authorize the Board to consolidate or abolish institutions and to grant the Board authority to abolish or add degrees; to provide that the Board may appoint and constitute advisory councils; to provide that the former authority of the State Board of Education over the subject postsecondary institutions shall be vested in the Board of Trustees for Junior Colleges and Technical Schools; to provide that neither the bonded indebtedness of the State nor any other similar obligation shall be impaired; to provide for the staff and the employment of other professional and clerical personnel and for their compensation; to repeal Sections 16-60-1 through 16-60-3, 16-60-20 through 16-60-40, 16-60-50 through 16-60-67, 16-60-130 through 16-60-132, 16-60-150 through 16-60-152, 16-60-190 through 16-60-198 and 16-60-210 through 16-60-221 of the Code of Alabama 1975, as amended; and to amend sections 16-60-81, 16-60-82, 16-60-86, 16-60-88, 16-60-110, 16-60-111, 16-60-112, 16-60-113, 16-60-170, 16-60-171, 16-60-172, and 16-60-173 of the Code of Alabama 1975, as amended.

Ways and Means.

By Rep. Naramore:

H. 326. To prohibit a strike or work stoppage by law enforcement officers, who have been certified by the Peace Officers Standards and Training Commission of the State of Alabama, as a Peace Officer, and to provide for mediation in order to settle disputes between regularly employed, full time, law enforcement officers and the governmental agency employing them. Specifically authorizing negotiations between law enforcement officers and the governmental agency employing them, and requiring compliance with the agreements and findings of the mediators.

Ways and Means.

By Reps. Biddle and Sasser:

H. 327. To amend Act No. 80-477 which amended Section 2, Act 100, Second Special Session 1959 (Section 40-23-2, Code of Alabama 1975, as amended) to require that sales tax on automotive vehicles, truck trailers, semi-trailers, or house trailers required to be registered with the Judge of Probate or other licensing authority be paid to the Judge of Probate or other licensing authority at the time of registering and licensing the unit; and to require the Judge of Probate or other licensing authority to remit the tax collected to the Department of Revenue, and provides for the distribution of the tax collected.

Ways and Means.

By Rep. Turnham:

H. 328. To amend Code of Alabama 1975, Section 16-25-11, which relates to the Teachers' Retirement System; and Section 36-27-11 which

relates to the Employees' Retirement System amending said sections so as to extend the period of eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1981, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

Ways and Means.

By Rep. Turnham:

H. 329. To amend Code of Alabama, 1975, Section 36-27-11, which relates to the Employees' Retirement System; amending said section in relation to the eligibility for purchasing credit for previously withdrawn service; to provide a period of one year after October 1, 1981, for retired members to purchase credit for service previously withdrawn or terminated due to five years absence from service.

Ways and Means.

By Reps. Owens, Naramore, Dial, McKee, Brakefield and Daniels:

H. 330. Relating to the several counties; assessing an additional fee for any criminal or misdemeanor proceeding in the circuit, district or juvenile courts of such counties; providing for the collecting and disbursing of such funds; and prescribing that revenue collected pursuant to the provisions of this Act shall be paid into the county treasuries to be used exclusively for the expenses of operating the jails and providing for prisoner maintenance in such counties.

Ways and Means.

By Reps. Grouby, McKee, Turner, Edwards, Gafford, Parker, Carothers, Williams, Warren, Venable, Willis, Blake, Naramore, Moore, Carter, Harper (T), Ray, Shavers, Goodwin, Harper (O), Laird, Grimsley, Hall, Rains, Smith (J), Johnson (R. G.), Stewart, Gregg and Cosby:

H. 331. To require that any facility for the care of any person under 19 years of age which has been established by a church, denomination, or association of churches to guide such persons in public worship, provide religious instruction, and promote character development, shall give notice of intent to operate to the appropriate fire and health departments so that said facilities may be inspected in accordance with state and local fire and environmental health regulations for such facilities and to further provide an exemption from the provisions of Title 38, Chapter 7, Section 2, Subsection 8, Code of Alabama 1975 under certain conditions.

State Administration.

By Rep. Grouby (With Notice and Proof):

H. 332. Relating to Autauga County; to provide an expense allowance for the coroner.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 332, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Smith (M), Minus, Roberts, Zoghby, Smith (J) and Waggoner:

H. 333. To give permanent status in the classified service under the Merit System Act to all persons employed under provisional appointments as Capitol Security Police Officers in the Department of Finance of the State of Alabama between the dates of June 13, 1979, and July 23, 1980, inclusive, who performed their duties satisfactorily during the period of their employment and to permit the director of finance to condition appointments made hereunder to the satisfactory completion of a six-month working test period and to make such appointments effective immediately after the completion of the working test period.

State Administration.

By Reps. Cabaniss, Dixon and Shoemaker:

H. 334. To amend Sections 16-3-1, 16-3-5 and 16-3-8 of the Code of Alabama 1975, relating to the State Board of Education, so to provide that the Lieutenant Governor and the Speaker of the House of Representatives shall be ex officio members of the State Board of Education; to provide that the ex officio member of the Board shall have full voting powers; to provide that vacancies on said Board among the elected members shall be filled by the Governor for the unexpired term; to provide that elected members of said Board shall receive per diem compensation for each day of actual service and actual traveling and other necessary expenses incurred, while the ex officio members shall be entitled to receive their actual traveling and other necessary expenses incurred in attending meetings and transacting the business of the Board.

State Administration.

By Rep. Venable:

H. 335. This bill amends section 17-16-43(b) to provide that any political party which chooses to nominate its candidates by a mass meeting must do so on or before the first primary date.

Constitution and Elections.

By Rep. Adams (C):

H. 336. To authorize the Highway Director to administer programs relative to public transportation in rural and urban areas, to perform public transportation planning, to provide technical assistance to local entities for formulating public transportation projects, to assure that public transportation projects are in accordance with the comprehensive transportation planning process, to expend State funds apportioned by the legislature from time to time for public transportation, to develop and promulgate rules and regulations pertaining to public transportation, and to administer public transportation programs enacted by the Legislature of Alabama with such flexibility as is found to be in the public interest.

Commerce and Transportation.

By Reps. Shoemaker, Dial, Kelley and Johnson (R. G.):

H. 337. To amend Section 20-2-93, Code of Alabama 1975, relating to forfeitures and seizures of property and vehicles used in violation of the Alabama Controlled Substances Act so as to provide for the sale of such property and vehicles and to further provide for the use and disposition of the proceeds from the sale of forfeited property.

Judiciary.

By Rep. Shoemaker:

H. 338. To amend Section 32-9-21, Code of Alabama, 1975, which provides for a maximum permissible length for any motor bus driven or operated upon Alabama highways so as to further provide for a maximum permissible width for any such motor bus and to repeal all laws in conflict therewith.

Highway Safety.

By Reps. Bedsole, Payne, Lewis and Daniels:

H. 339. To amend Sections 16-24-7 and 16-24-10, Code of Alabama, 1975 relating to hearings before the Alabama State Tenure Commission.

Education.

By Rep. Bedsole:

H. 340. To amend Section 16-24-5, Code of Alabama 1975, relating to the transfer of a teacher on continuing service status, so as to provide further for any such transfer.

Education.

By Reps. Zoghby, Lewis, Waggoner, Cabaniss, Bedsole, Kennedy, Bennett, Howard, Horn and Stewart:

H. 341. Relating to banks and branch banking: To permit any bank to establish branch banks at any location within the State of Alabama with the consent and approval of the Superintendent of Banks and to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act; and, to provide for an effective date of this Act.

Banking.

By Reps. Zoghby, Lewis, Waggoner, Cabaniss, Bedsole, Kennedy, Bennett, Howard, Horn and Stewart:

H. 342. Relating to banks and branch banking: With the prior consent of the Superintendent, to permit any bank to establish one or more branches at any location within the limits of any county contiguous to a county within which any banking office of the bank is located and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Banking.

By Reps. Zoghby, Lewis, Waggoner, Cabaniss, Bedsole, Kennedy, Bennett, Howard, Horn and Stewart:

H. 343. Relating to banks and branch banking: To permit any bank maintaining an office within any standard metropolitan statistical area to

establish one or more branches at any location within said standard metropolitan statistical area with the consent and approval of the Superintendent of Banks; to define the term "standard metropolitan statistical area"; and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Banking.

By Reps. Zoghby, Lewis, Waggoner, Cabaniss, Bedsole, Kennedy, Bennett, Howard, Horn and Stewart:

H. 344. Relating to banks and banking: To permit any bank, with the prior consent of the Superintendent, to establish and maintain one or more branches at any location where such bank could establish a branch were it a federal or state savings and loan association or credit union; to provide that the provisions of this Act are cumulative; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act; and, to provide for an effective date of this Act.

Banking.

By Reps. Zoghby, Lewis, Waggoner, Cabaniss, Bedsole, Kennedy, Bennett, Howard, Horn, and Stewart:

H. 345. To amend Act No. 80-658 of the 1980 Legislature of Alabama to authorize any banking corporation or trust company organized under the laws of this state to convert into and merge or consolidate with a national banking association without the approval of any state authority but with the consent of the holders of a majority in amount of its stock, to provide that stockholders' meetings for such purposes be called by resolution of the board of directors, to provide the procedure for notice or waiver of notice to stockholders of such meetings, to provide for the vesting in such national banking association of all of the rights, title to, and interest in the property of such state banking corporation or trust company, and for the exercise by such national banking association of all the rights, duties and obligations of such state banking corporation or trust company in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in respect to any executorship, trusteeship, administration of estate or other similar fiduciary relation, to provide that the rights of dissenting shareholders be governed by the applicable laws of Congress, to entitle dissenting shareholders to receive in cash the value of their shares in the state bank, to provide that any bank, whether a national or a state bank, surviving or resulting from a merger, conversion or consolidation (defined as a "reorganization") may, regardless of the county of location of the principal office of such bank, continue to maintain and operate all banking offices maintained and operated at the time of said reorganization and with appropriate regulatory approval, thereafter establish and operate additional banking offices in counties where banking offices are maintained at the time of the reorganization to the same extent that the bank which was a party to said reorganization could, under laws in effect at the time of the proposed establishment, have established additional banking offices had it not participated in such reorganization, to provide that this Act shall not be deemed to confer upon a bank resulting from or surviving a reorganization the right to establish additional banking offices which could not have been established by a bank which was a party thereto had such reorganization not occurred, to repeal inconsistent laws, and to provide that the provisions of this Act shall be severable.

Banking.

By Reps. Zoghby, Lewis, Waggoner, Cabaniss, Bedsole, Kennedy, Bennett, Howard, Horn and Stewart:

H. 346. Relating to banks and branch banking: To permit the establishment of branch banks at any location within the county in which a bank has a banking office, with the consent and approval of the Superintendent, and to repeal all laws or parts of laws in conflict with this Act, to provide that the provisions of this Act are cumulative, to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Banking.

By Reps. Zoghby, Biddle and Bedsole:

H. 347. To amend Section 21-7-4, Code of Alabama 1975, relating to the right of blind persons to be accompanied by a guide dog, so as to extend said right to persons using a hearing dog.

State Administration.

By Reps. Zoghby and Parker:

H. 348. To provide increased criminal penalties and to remove youthful offender status for certain persons convicted of committing certain crimes against certain elderly or disabled citizens.

Judiciary.

By Reps. Stewart, Parker, Harper (T), Penry, Zoghby, Turner, McMillan, Bedsole and Kennedy:

H. 349. To control the movement of railroads, trucks, ships, barges and airplanes to and from any area under an evacuation alert because of rising water, the approach of a hurricane or other natural disaster.

Commerce, Transportation and Utilities.

By Rep. Letson:

H. 350. To amend Sections 12-12-31 and 12-19-71, Code of Alabama 1975, so as to increase the exclusive jurisdiction of the district court over all civil actions from the present jurisdictional amount of \$500.00 to \$1,000.00 and increase the docket fees.

State Administration.

By Rep. Hall:

H. 351. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, or university, who is the child of a law enforcement officer or fire fighter killed in line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the Special Education Trust Fund.

Ways and Means.

H. J. R. 17 RESUMED

AMENDMENT OFFERED

Rep. Dixon offered the following amendment to the resolution,
H. J. R. 17.

Amend Page 2, Line 5, as follows: after the word expenses insert the following words: for each meeting attended,

On motion of Rep. Dixon the amendment to the resolution, H. J. R. 17, was adopted.

AMENDMENT OFFERED

Rep. Reed offered the following amendment to the resolution, H. J. R. 17, as amended.

Amend H. J. R. 17, by increasing the total number of House members by two (2), on said committee.

On motion of Rep. Adams (C), the amendment offered by Rep. Reed, to the resolution H. J. R. 17, as amended, was tabled.

MOTION TO POSTPONE

The motion offered by Rep. Holley to postpone the resolution H. J. R. 17, as amended, to the third legislative day was lost.

SUBSTITUTE OFFERED

Rep. Holley offered the following substitute to the resolution, H. J. R. 17, as amended.

CONTINUING THE LEGISLATIVE JOINT INTERIM EDUCATIONAL INSTITUTIONS STUDY COMMITTEE

WHEREAS, the Regular Session of the Legislature of Alabama of 1980, by Act No. 80-720, H. J. R. 285, approved May 28, 1980, created a joint legislative interim committee to study educational institutions which receive money from state funds: and

WHEREAS, the committee has had many meetings, conducted many hearings, has made an exhaustive study and has prepared a report of its work to present to the Legislature not later than the tenth legislative day of the 1981 Regular Session; and

WHEREAS, additional study is needed in this area and it is necessary and desirable to continue said committee in existence; and

WHEREAS, the thrust and direction of this committee is to make the trustees of the universities responsible for providing the information requested by the committee; and

WHEREAS, to give subpoena power to the committee; and

WHEREAS, at such time that information has been gained from the four year universities, as has previously been gathered and recommendations made concerning two year institutions and trade schools, only then are Junior Colleges & Trade schools required to provide information to the committee. Recommendations cannot be made until this is fulfilled.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint interim committee heretofore established by Act No. 80-720, H. J. R. 285, of the Regular Session of the Legislature of 1980, approved May 28, 1980 shall continue in existence

as presently constituted and shall continue its work as directed in said Act No. 80-720. The committee shall make a final report during the 1982 Regular Session of the Legislature, at which time the committee shall be terminated.

BE IT FURTHER RESOLVED, That no member of the committee shall be paid any per diem or expenses while the Legislature is in session, regular or special; however, at other time each member of the Committee shall be entitled to his per diem and expenses as provided for in Act No. 80-720. The per diem and expenses of the members for the continuance of the committee shall not exceed \$12,000 and shall be paid from any funds appropriated for the use of the Legislature. Any member of this committee being paid from this \$12,000 is required to be in attendance for such time as he is receiving compensation.

On motion of Rep. Adams (C), the substitute offered by Rep. Holley, to the resolution H. J. R. 17, as amended, was tabled.

Yeas 46; Nays 22.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cooley, Cosby, Crow, Dial, Dixon, Edwards, Escott, Gilmer, Gregg, Grouby, Harper (T), Howard, Kelley, Laird, McKee, Manley, Minus, Mitchell, Owens, Pegues, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—46

Nays:

Reps.: Albright, Boles, Brakefield, Buskey, Grimsley, Hall, Hammett, Harper (O), Harrison, Holley, Holmes, Jackson, Kennedy, Langford, Olive, Rains, Smith (C), Stewart, Stout, Turnham, Warren and Wyatt.

—22

AMENDMENT OFFERED

Rep. Boles offered the following amendment to the resolution, H. J. R. 17, as amended.

Amend by replacing the period after Act No. 80-720 with a comma and adding the following language "and the committee shall have any authority or power needed to require the public institutions of higher education to report the following data for fiscal year 1980-81.

1. All four year colleges will report by colleges or divisions within the university the number of credit or semester hours produced by semesters or quarters by year, on campus, the number of full time faculty, full time clerical employees and full time administrators within each college or division. Also report the amount of floor space used by each college or division as it relates to the total floor space on campus of the university. Also the amount of money budgeted by the university to operate the college or division.

2. Report data requested above for off-campus courses.

3. Report data requested in No. 1 for research within each college or university.

4. Report data for other operations within the college or divisions of the university.

5. Report all data requested above for each tech or junior college.

6. Report all lands owned by institutions as its location, amount and type property, also any income produced by these properties.

On motion of Rep. Adams (C), the amendment offered by Rep. Boles to the resolution H. J. R. 17, as amended, was tabled.

Yeas 39; Nays 22.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cooley, Cosby, Dial, Dixon, Edwards, Gilmer, Grimsley, Grouby, Harper (T), Kelley, Laird, McKee, Manley, Mitchell, Olive, Owens, Parker, Pegues, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Turnham, Venable, Ward and Whatley.

—39

Nays:

Reps.: Albright, Boles, Bowling, Buskey, Gregg, Hall, Hammett, Harrison, Holley, Holmes, Horn, Howard, Kennedy, Langford, McMillan, Naramore, Penry, Rains, Stewart, Stout, Trammell and Wyatt.

—22

AMENDMENT OFFERED

Rep. Waggoner offered the following amendment to the resolution H. J. R. 17, as amended.

Amend H. J. R. 17, Line 30, after the word "constituted" by adding the following:

, with three additional members appointed by the Speaker of the House and three additional members appointed by the Lieutenant Governor,

The motion of Rep. Adams (C), to table the amendment offered by Rep. Waggoner to the resolution H. J. R. 17, as amended, was lost.

Yeas 28; Nays 41.

Yeas:

Mr. Speaker, Adams (C), Blake, Brakefield, Campbell, Carothers, Carter, Cheatwood, Cooley, Cosby, Dial, Grouby, Kelley, Laird, Manley, Mitchell, Naramore, Olive, Owens, Parker, Pegues, Roberts, Sasser, Shoemaker, Starkey, Venable, Ward and Whatley.

—28

Nays:

Reps.: Albright, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Buskey, Cabaniss, Cobb, Dixon, Edwards, Gilmer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Kennedy, Langford,

McKee, McMillan, Moore, Payne, Penry, Rains, Reed, Seibels, Smith (C), Smith (M), Stewart, Stout, Trammell, Turnham, Waggoner, Wyatt and Zoghby.

—41

The question was then on the amendment offered by Rep. Waggoner, to the resolution H. J. R. 17, as amended, and the amendment was adopted.

Yeas 53; Nays 12.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cooley, Cosby, Dixon, Edwards, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Horn, Howard, Kennedy, Laird, Langford, McKee, McMillan, Moore, Parker, Patton, Payne, Pegues, Penry, Rains, Reed, Seibels, Smith (M), Stewart, Stout, Trammell, Turnham, Waggoner, Ward, Whatley, Wyatt and Zoghby.

—53

Nays:

Mr. Speaker, Carter, Cates, Dial, Mitchell, Naramore, Olive, Owens, Roberts, Shoemaker, Smith (C), and Venable.

—12

MOTION TO POSTPONE

The motion offered by Rep. Holmes, to indefinitely postpone the resolution, H. J. R. 17, as amended, was lost.

Yeas 5; Nays 66.

Yeas: Reps.: Albright, Buskey, Cooley, Holley and Wyatt.

—5

Nays:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Crow, Dial, Dixon, Edwards, Escott, Gafford, Gilmer, Gregg, Grimsley, Harper (O), Harper (T), Harrison, Holmes, Howard, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—66

MOTION TO POSTPONE

On motion of Rep. Adams (C), the motion offered by Rep. Holley, to postpone the resolution, H. J. R. 17, as amended, until the 28th. legislative day, was tabled.

Yeas 49; Nays 17.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Dial, Dixon, Edwards, Gilmer, Gregg, Grimsley, Harper (T), Kennedy (Y), Laird, McKee, McMillan, Manley, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (M), Starkey, Stout, Waggoner, Ward, Whatley, Willis and Zoghby.

—49

Nays:

Reps.: Albright, Blake, Boles, Bowling, Brakefield, Buskey, Cobb, Hall, Harper (O), Holley, Holmes, Horn, Jackson, Langford, Rains, Shavers and Wyatt.

—17

MOTION TO POSTPONE

On motion of Rep. Adams (C), the motion offered by Rep. Bowling to postpone the resolution, H. J. R. 17, as amended, to the fourth legislative day, was tabled.

Yeas 48; Nays 17.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Coburn, Cooley, Cosby, Dial, Dixon, Edwards, Escott, Gregg, Grimsley, Harper (T), Jackson, Kelley, Kennedy, Laird, McKee, McMillan, Manley, Mitchell, Moore, Olive, Owens, Parker, Patton, Pegues, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (M), Starkey, Stewart, Stout, Ward, Whatley, Willis and Zoghby.

—48

Nays:

Reps.: Albright, Blake, Brakefield, Cobb, Crow, Gilmer, Hall, Harper (O), Holley, Holmes, Horn, Langford, Penry, Rains, Trammell, Turnham and Wyatt.

—17

RESOLUTION ADOPTED

The resolution H. J. R. 17, as thus amended, was adopted.

Yeas 52; Nays 15.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Dixon, Edwards, Escott, Gilmer, Gregg, Grimsley, Grouby, Howard, Kelley, Kennedy, Laird, McKee, McMillan, Manley, Mitchell, Moore,

Olive, Owens, Parker, Patton, Pegues, Reed, Riddick, Roberts, Sasser, Seibels, Smith (C), Smith (M), Starkey, Stewart, Stout, Venable, Ward, Whatley, Willis and Zoghby.

—52

Nays:

Reps.: Albright, Blake, Buskey, Cobb, Crow, Hall, Harper (O), Holley, Holmes, Horn, Langford, Naramore, Rains, Turnham and Wyatt.

—15

RESOLUTIONS

The following resolutions were introduced.

By Rep. Holmes:

H. R. 24. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, LEGISLATURE OF ALABAMA, That in future assignments to Interim Committees, no legislator from the House can be placed on more interim assignments than he presently serves on Standing Committees, whether he is paid or not.

The motion offered by Rep. Holmes to suspend the rules and adopt the resolution H. R. 24, was lost.

Yeas 4; Nays 55.

Yeas: Reps. Escott, Holmes, Horn and Wyatt.

—4

Nays:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cobb, Cooley, Cosby, Dial, Edwards, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holley, Jackson, Kelley, Laird, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Ray, Reed, Riddick, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Turner, Venable, Waggoner, Ward, Whatley, Willis and Zoghby.

—55

Also:

By Reps. Kennedy, Harper (T), Turner, Stewart, Parker, Zoghby, Bedsole, McMillan, Buskey and Rains:

H. J. R. 25. HONORING PAUL WESTERFIELD BRUNSON UPON HIS RETIREMENT AS JUDGE OF THE DISTRICT COURT OF MOBILE COUNTY.

WHEREAS, it is with utmost commendation that the Legislature of Alabama notes the recent retirement on January 20, 1981, of Judge Paul Westerfield Brunson of the District Court of Mobile County, Alabama; and

WHEREAS, though a native of Clarke County, Mississippi, Judge Brunson has been a resident of Mobile since early childhood; he is a graduate of Murphy High School of that city, of Spring Hill College and of the University of Alabama School of Law where he was awarded the LL. B. Degree; and

WHEREAS, he also attended the National College of the State Judiciary in Reno, Nevada, completing graduate courses in Criminal Law and Sentencing as well as Special Court classes and General Jurisdiction programs; and

WHEREAS, following admission to the Alabama Bar and the private practice of law for a period of two years, Paul Brunson became Director of the Mobile Center of the University of Alabama, serving in said capacity for some ten years; he then resumed his law practice in Mobile until his election as Judge of the Court of General Sessions, now the District Court of Mobile County; and

WHEREAS, Judge Brunson's professional affiliations are numerous and include membership in the Alabama and American Bar Associations and American Judicature Society; he has served as a member of the Judicial Article Implementation Committee, District Court Section, and also as Vice-President of both the Intermediate Judges and the District Judges Associations of Alabama and was a faculty member of the 1979 Alabama Judicial College; and

WHEREAS, Judge Brunson has long been civically active through such prestigious service as President of the Mobile Junior Chamber of Commerce, President of the Mobile Azalea Trail and of the Mobile Town Meeting Association; he is a past recipient of the U. S. Junior Chamber of Commerce Key Man Award, a member of Omicron Sigma social fraternity and Phi Alpha Delta professional fraternity, a Leader of the Great Books Discussion Group and has served in membership on the Literary Arts Committee and the Allied Arts Council of Metropolitan Mobile, as well; and

WHEREAS, a Patron of the Mobile Symphony and the Mobile Civic Music Association, Judge Brunson's interests extend further to include active participation in Disaster Communications as an advanced FFC licensee in amateur radio; he also is a collector of stories of Mobile history and lore and has restored the historic Bunker House of his beloved city; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Paul Westerfield Brunson both on his brilliant career as a jurist and for his deep civic involvement prompted through care and concern for his community and its citizens.

BE IT FURTHER RESOLVED, That we wish his continued success and happiness in retirement and direct that he receive a copy of this resolution as evidence of our high praise and regard.

On motion of Rep. Kennedy the rules were suspended and the resolution H. J. R. 25, was adopted.

Also:

By Rep. Waggoner:

H. J. R. 26. CREATING A LEGISLATIVE STUDY COMMITTEE TO STUDY THE PROBLEMS OF THE BIRMINGHAM-JEFFERSON COUNTY TRANSIT AUTHORITY.

WHEREAS, numerous problems have arisen regarding the operation of public buses by the Birmingham-Jefferson County Transit Authority; and

WHEREAS, there has been a multitude of suggestions put forward as to how the legislature should solve some of the problems facing the transit authority; and

WHEREAS, there is a great need for a study committee to provide some indepth research into the problems and possible solutions of the many problems connected with the transit authority and public busing in Birmingham and Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a legislative study committee to study the problems of the Birmingham-Jefferson County Transit Authority and the problems of public busing in Jefferson County. Said legislative committee shall be composed of four members of the House and three members of the Senate to be appointed by the presiding officers of the respective bodies.

Said committee shall meet immediately after being appointed and shall elect a chairman and a vice chairman from among its membership and shall establish its rules for meeting and proceedings of its meetings and public hearings.

Said committee shall serve without pay and shall meet as often as is necessary to receive suggestions from the business and private sectors that are interested in the problem and said committee shall listen to recommendations and solutions offered by the representatives of any governing body having an interest in the problem and shall receive recommendations put forward by any group of interested citizens.

The office of Examiners of Public Accounts and the State Auditor's office shall provide such services and assistance to the committee as shall be necessary and helpful to the committee in carrying out their studies and research hereunder.

The committee shall have the subpoena powers of a legislative committee to subpoena persons to testify before it and to subpoena such records as are necessary to enable it to thoroughly study the problems before it.

The committee shall make recommendations to the legislature in bill form, in written report or otherwise as to possible solutions for any and all of the problems connected with providing public transportation and public bus service in the Birmingham-Jefferson County area.

This resolution H. J. R. 26, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Payne:

H. J. R. 27. REQUESTING THE GOVERNOR TO ESTABLISH A TASK FORCE FOR THE PURPOSE OF FORMULATING RECOMMENDATIONS FOR THE USE OF EXISTING RESOURCES TO REDUCE INAPPROPRIATE TEENAGE PREGNANCIES IN ALABAMA.

WHEREAS, state vital statistics data for the year 1979 reveal that 72 per 1,000 births in Alabama were to mothers 15-19 years of age; and

WHEREAS, of these 13,500 births to women less than 20 years of age, many are known to result from unwanted and inappropriate pregnancies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Governor of the State of Alabama to implement a teenage pregnancy task force for the purpose of studying and proposing specific recommendations to the Governor, and to the Legislature, as to how existing resources might be used to reduce unwanted and inappropriate teenage pregnancies in Alabama. We respectfully suggest that such task force include members from the Department of Public Health (Bureau of Maternal and Child Health), State Education Department, Alabama Chapter/American Academy of Pediatrics, the Department of Pensions and Security, the Office of Rural Health, the HSA's, SHPDA, SHCC and such voluntary organizations as the March of Dimes, the Alabama Council on Maternal and Infant Health and four members of the Legislature, two to be appointed by the Speaker of the House and two by the Lieutenant Governor.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Governor James that he may know of our concern in this matter and of our desire that he activate such task force as hereby recommended by the Legislature.

On motion of Rep. Payne, the rules were suspended and the resolution H. J. R. 27, was adopted.

Also:

By Rep. Bedsole:

H. J. R. 28. CALL FOR AN INVESTIGATION BY THE OFFICE OF MANAGEMENT AND BUDGET INTO THE COST EFFECTIVENESS OF HSA'S.

WHEREAS, the National Health Planning and Resources Development Act of 1974 (PL 93-641) has from its inception been a source of concern to many Alabamians because of the increasing federal dictation of the planning process; and,

WHEREAS, the federal law mandated the formation of local Health Systems Agencies (HSA's) while restricting all effective decision making by such agencies to compliance with federal guidelines and regulations; and,

WHEREAS, evidence has not been established that the Health Systems Agencies have prevented unneeded investment in health care facilities and may in fact contribute to the cost of health care directly and through needless delays in legitimate planning for local health care needs; and,

WHEREAS, the Joint Interim Committee to Study the Rising cost of Medicaid in the State of Alabama has recommended that Congress investigate the Health Systems Agencies in view of the fact that the agencies in Alabama have published care plans through 1985 while they continue to exist at a cost of approximately \$3 million per year; and,

WHEREAS, without opposing the concept of health care planning, the Legislature of the State of Alabama records its concern in regard to the cost effectiveness of the HSAs and express its support for greater State control over the health planning process; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, AND THE SENATE OF ALABAMA CONCURRING, that we do hereby urge the

Director of the U. S. Office of Management and Budget to conduct an independent investigation into the effectiveness of the Health Systems Agencies in the containment of health care cost and report its finding to the Congress of the United States.

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to all members of the Alabama Congressional Delegation.

On motion of Rep. Bedsole, the rules were suspended and the resolution H. J. R. 28, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Goodwin, deGraffenried, Higginbotham, and Proctor:

S. J. R. 4. EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY UTILIZATION AND VALUE OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH CREATED BY ACT NO. 80-203, S. J. R. 105, of the 1980 REGULAR SESSION.

WHEREAS, research is still being conducted on several aspects of land owned by the Department of Mental Health such as mineral potential, legal description and total acreage, current value or fair market value, and timber management; and

WHEREAS, without thorough analysis of said indepth research, the Committee does not feel that it can at this time make responsible recommendations to the legislature, as mandated in Act No. 80-203, S. J. R. 105, of the 1980 Regular Session; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Committee to study utilization and value of land owned by the Department of Mental Health is hereby extended for a period of one year.

BE IT FURTHER RESOLVED, That the total amount of funds expended by the Committee in carrying out the study, during this one-year extension period, shall not exceed the sum of seven thousand five hundred dollars (\$7,500.00).

Said Committee shall continue to have the same members, powers, duties, functions, rights and privileges, and shall report their findings and recommendations to the Legislature by the fifth legislative day of the 1982 Regular Session, whereupon the committee shall be dissolved and relieved of all duties and responsibilities.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution S. J. R. 4, set out in the above and foregoing message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Martin, St. John, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 5. MOURNING THE DEATH OF JUSTICE JAMES N. BLOODWORTH.

WHEREAS, The Legislature of Alabama has grievously noted the death of James Nelson Bloodworth on December 28, 1980, at the age of 59; and

WHEREAS, a retired Alabama Supreme Court Justice, Judge Bloodworth was a native of Decatur, Alabama, who graduated from the University of Alabama with B. S. and LL.B. degrees and also attended Athens College, Athens, Alabama; and

WHEREAS, he was a practicing attorney for eleven years in his home town of Decatur and later served for ten years as circuit judge of Alabama's Eighth Judicial Circuit; he was a former associate member of the State Board of Pardons and Paroles and also served as judge of the Recorder's Court in Decatur; and

WHEREAS, entering the United States Army in 1943, James Bloodworth later retired as a lieutenant colonel, JAGC, United States Army Reserves; he was a Rotarian, Mason and Shriner, and in 1980, was named Alumnus of the Year by the University of Alabama School of Law; and

WHEREAS, Judge Bloodworth took office in 1968 as Associate Justice on the Alabama Supreme Court, serving for 12 years until his recent retirement as senior member of the court; and

WHEREAS, James Bloodworth was member of the Presbyterian Church and had served as Elder of both the First Presbyterian Church of Decatur and of Montgomery's Trinity Presbyterian Church; he was a man of sincere Christian beliefs, and of practice, who in strong and enduring faith served his Lord with devotion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of James Nelson Bloodworth, a distinguished Alabama jurist and a great American.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Jean Bloodworth, that she and their three daughters, Catherine, Sandra and Peggy may know that we truly share the sorrow of their great loss.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 5, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Cook, Proctor, Bailey, Barron, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White.

S. J. R. 6. COMMENDING DR. JOHN W. KIRKLIN AND ASSOCIATES FOR THEIR CONTRIBUTION IN ESTABLISHING THE ALABAMA CONGENITAL HEART DISEASE DIAGNOSIS AND TREATMENT CENTER

WHEREAS, for many years the open heart surgery programs at the Medical Center of The University of Alabama in Birmingham (UAB) have been recognized nationally and internationally for their excellence, and this recognition has grown over the years due to the unique skills and dedicated leadership of Dr. John W. Kirklin, Kerner Professor and Chairman of the Department of Surgery; and

WHEREAS, after terminating his appointment as a member of The Board of Governors and Chairman of the Department of Surgery at the Mayo Clinic in 1966 and joining the faculty at UAB, Dr. Kirklin has maintained as one of his first priorities the continuation of one of his major areas of interest and commitment—the establishment of a program for improving infant cardiac care; and

WHEREAS, to that end Dr. Kirklin has been instrumental in the development of the Alabama Congenital Heart Disease Diagnosis and Treatment Center at UAB, an unexcelled center for the treatment of infants and children with congenital heart defects, a center which has assembled under its aegis an outstanding team of physicians, nurses, and special support staff who work together to perform the highly sophisticated open heart surgical procedures and to carry out outstanding research in this area; and

WHEREAS, in addition to Dr. Kirklin, who recently has been selected to receive the highest award the American Medical Association can give, the Distinguished Service Award, the highly skilled team of surgeons and scientists includes Dr. Albert D. Pacifico, who came to UAB in 1967, also from the Mayo Clinic, and who is recognized as one of the most accomplished congenital heart disease surgeons in the world; Dr. Lionel M. Barger, Jr., a graduate of The Medical College of Alabama, who is one of the world's leading pediatric cardiologists and who is particularly known for his innovations in diagnosis by cineangiography; and Dr. Eugene B. Blackstone, who has made universally acknowledged contributions to the field of congenital heart surgery through his outstanding talents in the science of data acquisition and analysis; and

WHEREAS, through his skill and associated fame, Dr. Kirklin has helped the University to obtain contributions of the resources needed to create a modern, totally equipped patient care facility—the Alabama Heart Hospital, including the Quarterback Tower addition to the University

Hospitals—which contains the operating suites needed to conduct the surgery and which provides the surgical and cardio-vascular intensive care patient rooms necessary to monitor the patient's progress and to assure that patient care and recovery are conducted under the most ideal circumstances; and

WHEREAS, patients from throughout the United States and from many countries throughout the world have been referred to UAB for correction of congenital cardiovascular defects, and the teams of surgeons there perform more than four hundred such operations each year; and

WHEREAS, no other similar center for congenital heart disease surgery in the region, or perhaps the nation or the world, can compete with the programs now concentrated in the Alabama Congenital Heart Disease Diagnosis and Treatment Center at UAB; and

WHEREAS, pediatric heart specialists, both medical and surgical, go to The University of Alabama in Birmingham Medical Center from literally every country in the world, for periods ranging from a few days to a year, to study, learn, and be a part of the programs there; and

WHEREAS, because of the skilled personnel and outstanding facilities at UAB, national and international recognition has come to Birmingham and to the entire state of Alabama, with the success rate for these heart operations being the most outstanding in the world because the Alabama Congenital Heart Disease Diagnosis and Treatment Center can provide the necessary diagnostic, surgical, nursing, pathological, and patient monitoring skills necessary if such highly specialized surgery is to succeed; and

WHEREAS, this body here assembled wishes to commend Dr. John W. Kirklin and other members of the skilled professional staff at the Alabama Congenital Heart Disease Diagnosis and Treatment Center located at The University of Alabama in Birmingham;

NOW, THEREFORE, BE IT RESOLVED that The Legislature of Alabama, both Houses thereof concurring, hereby recognizes the great contributions made to the welfare of the people of Alabama, and indeed the nation and the world, by the skilled professionals at the Alabama Congenital Heart Disease Diagnosis and Treatment Center.

BE IT FURTHER RESOLVED that The Legislature of Alabama hereby expresses its great pride in the outstanding cardiovascular surgical programs carried out at the Center, and herewith conveys its deep appreciation to Dr. John W. Kirklin and the many skilled members of the staff at the Center for the worldwide recognition, fame, and renown which have redounded to the State of Alabama because of their outstanding efforts.

BE IT FURTHER RESOLVED that Dr. Kirklin and other members of the staff of the Alabama Congenital Heart Disease Diagnosis and Treatment Center receive a copy of this resolution as evidence of our high esteem.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 6, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Cook, Miller, Bailey, Barron, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gullede, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 7. CONGRATULATING THE 1980 STATE 4A FOOTBALL CHAMPIONS, THE VESTAVIA HILLS HIGH SCHOOL REBELS.

WHEREAS, the Legislature of Alabama is pleased to note the 1980 State 4A Football Championship captured by Vestavia Hills High School by virtue of their 15-13 win over Parker High in the final round of the State Playoffs; and

WHEREAS, the third time was truly the charm for the Rebels, as it was their third straight year to participate in the finals, but this year it was to end in victory following a 9-1 record in regular season play against a heavy schedule of formidable opponents; and

WHEREAS, directing his team to an outstanding season and the crown, Head Coach Buddy Anderson was most ably assisted by coaches Grammar, Sheffield, Jeffrey, Dunn, Braasch and Prewett; and

WHEREAS, each and every member of this outstanding varsity squad is to be congratulated and commended for his contribution to the Rebel's fine season and ultimate capture of the State Title, a coveted goal achieved through hard work, perserverance and the team's will-to-win spirit that never once wavered all season long; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Vestavia Hills High School Rebels as our 1980 State 4A Football Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Athletic Director Mutt Reynolds, a copy to Head Coach Anderson on behalf of his assistants, staff and team, with a copy also forwarded to Dr. Rafael McDaniel, Principal, to be used for appropriate school display.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution S. J. R. 7, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Kirkland, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Lemaster, Little Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 9. MOURNING THE DEATH OF MR. JOSEPH C. MCCORQUODALE, SR., OF CLARKE COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature has noted with deep sorrow and regret the death of Mr. Joseph Charles McCorquodale, Sr., of Grove Hill, Clarke County, Alabama, on December 13, 1980, at the age of 88; and

WHEREAS, Mr. McCorquodale, father of House Speaker Joseph C. McCorquodale, Jr., was a native Clarke Countian and a graduate of Marion Military Institute and Howard College in Birmingham; he was a lifelong resident of Clarke County, the fourth generation of a distinguished pioneer family of that area; and

WHEREAS, a former merchant, farmer and timberman, he also was founder, first president and longtime director of the Clarke-Washington Electric Membership Cooperative and held public office in Clarke County for more than thirty years; and

WHEREAS, serving first as a County Commissioner, from 1929 until 1939, and for two terms as president of the Alabama Association of County Commissioners, Mr. McCorquodale was appointed tax collector in 1939, holding said office until his retirement in 1961; and

WHEREAS, Mr. McCorquodale was a member of the Grove Hill First United Methodist Church and was further actively involved in the affairs of his community through participation in numerous programs for the betterment of his beloved county and all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of Joseph Charles McCorquodale, Sr., of Grove Hill, Clarke County, Alabama; we further extend our most heartfelt sympathy to his son, Speaker Joe McCorquodale, and to his grandsons, Joseph, III, and Gaines C. McCorquodale, and other family members to whom copies of this resolution shall be sent.

MCDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 9, is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs.: Vacca, Cook, and White:

S. J. R. 8. MOURNING THE DEATH OF W. COOPER GREEN, FORMER BIRMINGHAM MAYOR AND STATE LEGISLATOR.

Also:

By Mr. Kirkland:

S. J. R. 10. COMMENDING MR. HARRY L. WEAVER FOR OUTSTANDING SERVICE AS ESCAMBIA COUNTY SUPERINTENDENT OF EDUCATION.

Also:

By Mr. Kirkland:

S. J. R. 11. HONORING JUDGE HUGH ROZELLE UPON HIS RETIREMENT AS JUDGE OF THE DISTRICT COURT OF ESCAMBIA COUNTY.

Also:

By Mr. Robertson:

S. J. R. 13. CONGRATULATING AND COMMENDING GORDO HIGH SCHOOL, CLASS 2A STATE FOOTBALL CHAMPIONS.

Also:

By Mr. Robertson:

S. J. R. 14. CONGRATULATING AKRON HIGH SCHOOL CLASS A FOOTBALL CHAMPIONS.

Also:

By Mr. Robertson:

S. J. R. 15. COMMENDING SOUTH CHOCTAW HIGH SCHOOL ON ITS OUTSTANDING 1980 FOOTBALL SEASON.

Also:

By Mr. Proctor:

S. J. R. 17. COMMENDING GENERAL IVAN F. SMITH.

Also:

By Messrs.: Teague and Proctor:

S. J. R. 18. CONGRATULATING MR. AND MRS. J. D. LAWLEY ON THE OCCASION OF THEIR GOLDEN WEDDING ANNIVERSARY.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 8, S. J. R. 10, S. J. R. 11, S. J. R. 13, S. J. R. 14, S. J. R. 15, S. J. R. 17, and S. J. R. 18, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. deGraffenried:

S. J. R. 16. CREATING THE TUSCALOOSA COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Tuscaloosa County The Tuscaloosa County Elected and Appointed Officials Salary Commission, hereinafter referred to as "The Commission."

The Commission shall be composed of seven (7) members: two members from government; four members from business including: one lawyer, one proprietor, one salary administrator, one personnel manager; and one educator. The Commission members shall be appointed in the following manner: three by the Tuscaloosa City governing body, three by the Tuscaloosa County governing body, and one by the Tuscaloosa County Legislative Delegation.

The chairman shall be selected by the membership and he shall preside over all meetings. The Commission shall make its own rules for the conduct of its business. The initial meeting shall be held within thirty days after the last appointment is made and thereafter at the call of the chairman and within the rules of The Commission. Members of The Commission shall serve without compensation and their terms shall expire on January 1, 1982, at which time The Commission members shall stand discharged from any further duties.

The general purpose of The Commission is to provide information and recommendations regarding salaries and compensation of all elected and appointed city and county officials within Tuscaloosa County.

The specific objectives of The Commission shall be prescribed by the Tuscaloosa County Legislative Delegation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution S. J. R. 16, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11.

By Rep. Hammett:

H. R. 29. COMMENDING MR. JOSEPH C. WINGARD OF ANDALUSIA, ALABAMA'S FIRST RECIPIENT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION MEDAL OF HONOR.

RESOLUTION

The following resolution was introduced:

By Reps. Stewart and Turnham:

H. J. R. 30. Honoring Community Education.

WHEREAS, Community Education for the past seven years has provided opportunities for residents of all ages so that they may benefit from their local school facilities and services, and

WHEREAS, During 1979-80, 394,585 Alabamians participated in community education programs in forty-two school systems across Alabama, and

WHEREAS, Community Education provides educational, recreational, social, vocational, cultural, and personal enrichment programs for all in a wide range of activities, and

WHEREAS, Community Education has provided to many the opportunity to extend their skills and interest, while encouraging, cooperation between schools and other local agencies and assures greater utilization of our schools, and

WHEREAS, some 651 individuals and 3,608 volunteers worked 55,036 manhours in Community Education programs in Alabama in 1979-80,

NOW THEREFORE LET IT BE RESOLVED BY THE LEGISLATURE OF ALABAMA, both houses thereof concurring, that the Alabama Community Education Advisory Council be commended for their outstanding achievements and involvement in the education process, and their dedication improving the quality of life in our State.

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to Dr. Boyd Rogan, Chairman of the State Community Education Advisory Council.

On motion of Rep. Stewart, the rules were suspended and the resolution H. J. R. 30, was adopted.

REPORT FILED

The Report of The State Judicial Compensation Commission was presented to the 1981 Regular Session of the House of Representatives of the State of Alabama and the Report was ordered filed.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11.

By Reps. Rains and Stout:

H. R. 31. CONGRATULATING MR. AND MRS. WALTER McELMOYL ON THEIR 65TH WEDDING ANNIVERSARY.

BILLS RE-REFERRED

No objection being offered, the Speaker re-referred the following House Bills:

H. B. 73. Re-referred from the Standing Committee on Ways and Means to the Standing Committee on Agriculture and Forestry.

H. B. 74. Re-referred from the Standing Committee on Ways and Means to the Standing Committee on Judiciary.

H. B. 75. Re-referred from the Standing Committee on State Administration to the Standing Committee on Judiciary.

H. B. 161. Re-referred from the Standing Committee on Ways and Means to the Standing Committee on Education.

H. B. 224. Re-referred from the Standing Committee on Ways and Means to the Standing Committee on Education.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:15 P. M. on February 5, 1981.

H. J. R. 4.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 20, heretofore adopted, the House adjourned until 1:00 o'clock p. m., Tuesday, February 10, 1981.

THIRD DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 10, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend David Bishop, Mulberry Baptist Church, Maplesville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell,

Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

JACK BIDDLE,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the second legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Cabaniss, leave of absence was granted for Rep. Seibels, due to illness.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 32. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, February 10, 1981, we adjourn to meet again on Thursday, February 12, 1981, at 11:00 a.m.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 32, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Shavers, due to illness.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Penry and McMillan:

H. J. R. 33. Commending Julio Corte, Jr., Baldwin County, Cattleman of the Year

WHEREAS, Julio Corte, Jr., President of the Alabama Cattlemen's Association with 16,330 members, has been named Cattleman of the Year for 1980 by the organization's publication, "Alabama Cattlemen"; and

WHEREAS, the Baldwin County resident was recognized for "enthusiastic leadership during a tough economic year for cattlemen, leading the association to an increase in membership over 1979"; and

WHEREAS, Alabama's association is recognized as the largest state group in the country; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Julio Corte, Jr. on his many accomplishments in the Alabama Cattlemen's Association and congratulate him on being named "Cattleman of the Year for 1980."

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Corte.

On motion of Rep. Penry, the rules were suspended and the resolution, H. J. R. 33, was adopted.

Also:

By Rep. Patton:

H. J. R. 34. HONORING THE CUB SCOUTS OF AMERICA PROGRAM.

WHEREAS, in 1930 the first Cub Scout Pack in America was chartered as an integral part of the Boy Scouts of America program, a family oriented organization for young boys 8, 9 and 10 years of age; and

WHEREAS, February 8, 1980, marked the 50th anniversary of cub scouting in America, and it is now in its second half century of being "for the character development, citizenship, training, and physical fitness of boys"; and

WHEREAS, helping young boys to mature through helping others, the cub scouting program in Alabama alone consists of seven local councils with more than 1,000 packs of some 28,000 cub scouts who greatly benefit from the worthiness of purpose of this fine and commendable organization; and

WHEREAS, self-reliance, initiative, courage, resourcefulness and a keen respect for the rights of others are the admirable attributes instilled in our young future citizens by cub scouting in America and in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Cub Scout Program in America and express deep appreciation to the organization for its admirable programs and dedicated pursuit of purpose.

BE IT FURTHER RESOLVED, That in warm praise and regard, we also congratulate the Cub Scout Program on its first half century of service with all good wishes for continued success and growth in the future.

RESOLVED FURTHER, That a copy of this resolution be dispatched to the Cub Scout National Headquarters in token of this body's respect, admiration and esteem.

On motion of Rep. Patton, the rules were suspended and the resolution, H. J. R. 34, was adopted.

BILLS ON SECOND READING

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 161. To amend Section 16-28-4 of the Code of Alabama 1975 providing for the minimum age at which a child may enter school so as to provide that a child who moves into this state having completed a mandated public kindergarten program in another state shall be admitted to school regardless of age.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 224. (With Amendments): To require boards of education to defend certain school officials in cases where civil action is brought against them for acts committed in the performance of their duties.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 270. To amend Section 16-31-1 of the Code of Alabama 1975 relating to American Legion Scholarships so as to provide further for such scholarships.

H. 311. To provide that all legal provisions and references to Teacher Institute may be fulfilled by having a teacher workday in the schools prior to the first student day of the school year.

H. 312. To amend § 16-24-31, Code of Alabama, 1975 as amended, to provide that not more than two members of the state tenure commission may be appointed from any one congressional district.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 332. Relating to Autauga County; to provide an expense allowance for the coroner.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Whatley:

H. 352. To amend Section 8-17-85, Code of Alabama 1975, by raising annual permit fees from \$1.00 to \$10.00.

Ways and Means.

By Rep. Campbell:

H. 353. To amend Section 32-13-3 and Section 32-13-4, Code of Alabama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court or Circuit Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

State Administration.

By Rep. Kelley:

H. 354. To amend further section 41-16-100 of the Code of Alabama 1975, as amended, so as to provide for trade-in of certain state property by the state financial director.

State Administration.

By Rep. Kelley:

H. 355. To amend section 41-4-132, Code of Alabama 1975, relating to public printing and binding, so as to change the length of contracts for such printing and binding from two years to one year.

State Administration.

By Rep. Kelley:

H. 356. Relating to the Twenty-seventh Judicial Circuit; to provide an expense and automobile allowance of \$300.00 per month to the District Attorney of said Judicial Circuit.

State Administration.

By Reps. Roberts and Patton:

H. 357. To authorize and make provision for the incorporation through the joint action of any county and any single municipality located in such county of one or more public corporations for the purpose of acquiring, maintaining and operating public hospitals and appurtenant facilities in such county; to provide for the election and compensation of directors of any such corporations; to provide for the powers, authorities and duties of any such corporation and its board of directors; to provide for the issuance by any such corporation for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of any taxes allocated or appropriated to it or revenues from any of its hospital facilities, or any combination of any thereof; to provide that such securities shall be secured by a pledge of the revenues from which they are payable and may be secured by non-foreclosable mortgages and deeds of trust and trust indentures and other agreements respecting the application of its funds and other matters; to provide for the use of the proceeds of any such securities issued by any such corporation; to provide for the refunding by any such corporation of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such corporation pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or

political subdivision of the state; to make the securities issued by any such corporation eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of any such corporation, and all securities issued by any such corporation and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such corporation is a party, from all taxation in the state; to exempt every such corporation from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such corporation from payment of certain charges to Judges of Probate; to exempt every such corporation from all laws of the State governing usury or prescribing or limiting interest rates; to grant to every such corporation the power of eminent domain; to make applicable to every such corporation certain provisions of Title 22 of the Code of Alabama 1975 pertaining to the designation of county health agencies and the application of certain county taxes; to make applicable to every such corporation certain provisions of Title 11 of the Code of Alabama 1975 pertaining to tort claims and judgments against local governmental entities; to authorize any county authorizing the creation of such a corporation and any municipal or public corporation or agency in such county to donate hospital facilities and other property to such corporation; to provide for the disposition of the earnings, if any, of any such corporation; and to provide for the dissolution of any such corporation and the disposition of its property.

Local Government.

By Reps. Roberts, Patton, Letson and Carter:

H. 358. TO BE KNOWN as the State Employees' and Teachers' uniform Health Insurance Act, providing for amendments to the existing State Employees' Health Insurance Plan to provide a uniform health care plan for all state employees and fulltime teachers employed in institutions providing instruction in any combination of grades K through 14; providing that 4-year state-supported institutions of higher education and any other employers covered by the teachers' retirement system may be covered under the provisions of this act by filing a duly executed petition with the state employees' and teachers' insurance board electing to assume the cost of their participation; providing for the coverage of persons retired under the teachers' retirement system or the employees' retirement system; providing for the election of four members representing public education to the state employees' and teachers' insurance board; providing authority for the board to include coverage for dental care and treatment under the state employees' and teachers' uniform health insurance plan, and providing a method for direct payment of premiums for persons otherwise eligible who are precluded from having the cost of their coverage deducted from a monthly benefit payment.

Ways and Means.

By Reps. Roberts and Carter:

H. 359. To provide for and regulate the sale, use, distribution and manufacture of certain fireworks; to provide for permits to be issued by the state fire marshal; to specifically prohibit certain fireworks and to define certain terms relating to fireworks and explosives; to prescribe penalties for violation of this Act; and to repeal Sections 13A-11-100 through 13A-11-105, Code of Alabama 1975, relating to fireworks.

State Administration.

By Reps. Smith (C), and Laird:

H. 360. To provide that any person convicted of rape upon a person twelve years of age or younger shall be sentenced to life imprisonment without parole.

State Administration.

By Rep. Waggoner:

H. 361. To amend Sections 41-9-720 and 41-9-721 of the Code of Alabama 1975 which provide for the Alabama Aviation Hall of Fame Board so as to provide further for the location of such hall of fame and meeting procedures of such board and to further designate the terms of certain board members.

Ways and Means.

By Rep. Gafford:

H. 362. To control the movement of trains to and from any area under an evacuation order because of an actual or impending emergency as declared by the Governor; and to provide penalties for violations of the provisions of this Act.

Commerce, Transportation and Utilities.

By Reps. Sasser, Carter, Williams, Carothers, Grimsley, Campbell, Venable and Cates:

H. 363. To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

Ways and Means.

By Rep. McKee:

H. 364. To repeal Section 12-10-1 through Section 12-10-5, Code of Alabama 1975, in order to abolish the judicial compensation commission.

State Administration.

By Rep. McKee:

H. 365. To propose an amendment to the Constitution of Alabama 1901 to abolish the judicial compensation commission.

State Administration.

The above bill was read a first time at length as required by the Constitution.

By Rep. McKee:

H. 366. To authorize and make provision for any county or any department, board, bureau, commission or agency of any county, whether incorporated or not, or any county public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any county, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to

loan, advance or donate to another public body, or to any person, firm or corporation, and gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each county and each such county public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations, to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; to provide that an issuer of securities shall be free from state supervision and control and from the provisions of Chapter 8, Title 11, CODE OF ALABAMA 1975; and to authorize counties and such county public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such county or such county public corporation under authority of laws other than this act.

Local Government.

By Rep. Smith (J):

H. 367. To raise revenue; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for disposition and use of the proceeds from said tax.

Ways and Means.

By Rep. Smith (J):

H. 368. To provide an investment credit under the Alabama income tax law to the taxpayer reporting income from an investment which he has made during the year in certain farm equipment and machinery; to provide for the carryback and carryover of unused credits; and to direct the department of revenue to promulgate and prescribe rules and regulations as may be necessary to provide such investment credit.

Ways and Means.

By Rep. Smith (J):

H. 369. To authorize county governing bodies to grant the tax assessor authority to assess taxes from October 1 to September 30 of each tax year.

Judiciary.

By Reps. Daniels, Cosby and Smith (M):

H. 370. To provide for the filling of all vacancies in state, county and municipal offices; to provide that if one-half or more of the term is remaining, the vacancy shall be filled by a special election called by the Governor; if less than one-half of the term is remaining, the vacancy shall be filled by appointment of the Governor; and to repeal Section 36-9-17, Code of Alabama 1975, and all other conflicting laws.

Constitution and Elections.

By Rep. Smith (J):

H. 371. To provide further for the design of tags of vehicles of disabled veterans.

Ways and Means.

By Rep. Smith (J):

H. 372. To provide that, with respect to the sale of certain livestock, there shall be no implied warranty that such livestock are free from disease, provided that all federal and state statutory and regulatory requirements are complied with concerning the inspection and disease control of such livestock.

Agriculture and Forestry.

By Rep. Harper (O):

H. 373. To amend Section 11-41-8, Code of Alabama 1975, as amended, so as to validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

Local Government.

By Rep. Drinkard:

H. 374. To amend Section 25-4-146, Code of Alabama 1975, relating to the police powers of certain employees of the department of industrial relations so as to extend their power to the enforcement of all criminal laws of the state as they relate to the interests of the department of industrial relations.

State Administration.

By Rep. Drinkard:

H. 375. To amend section 25-4-91, The Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, so as to permit a claim to be reopened and redetermined within two years after the end of the benefit year if the original determination was based upon false or misrepresented information.

State Administration.

By Rep. Kelley:

H. 376. To amend Sections 36-26-16 and 36-26-17 of the Code of Alabama, 1975, so as to increase the number of eligibles an appointing authority may have to consider in filling vacancies by appointment from eligible registers.

State Administration.

By Rep. Kelley:

H. 377. To amend Sections 25-4-132 and 25-4-133, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, to increase the rate of interest on delinquent contributions from 1% to 1½% and increases the penalty against any employer who fails, within the time prescribed, to file any reports required by law, rule or regulation from \$5 to from \$10-\$300, depending on the number of employees, and established a schedule for determining such amount.

State Administration.

By Reps. Minus and Manley (With Notice and Proof):

H. 378. Relating to Sumter County; levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc. near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violations.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 378, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Clark (G):

H. 379. This act shall repeal sections 20-2-70 and 20-2-73; shall amend section 20-2-72; and shall provide for the following:

General provisions; definitions; unlawful distribution of a controlled substance in the first degree; unlawful distribution of a controlled substance in the second degree; possession of a controlled substance; possession of marijuana for personal use; possession of a counterfeiting device; forfeitures and seizures; repealing numerous specific code sections that conflict herewith as well as all other laws that conflict with this act; to set the effective date; and to provide for severability.

Judiciary.

By Reps. Clark (G) and Campbell:

H. 380. To further regulate the sale of alcoholic beverages and to raise revenue by levying an exclusive statewide local privilege or excise tax on every person licensed under the provisions of Title 28, Article 3A, Code of Alabama 1975, who sells, stores or receives for the purpose of distribution, beer; to provide for the collection and distribution of the proceeds of said tax; to provide for penalties; to provide for eligible counties a phase-out system of net revenue loss from local beer tax; and to supersede and repeal all local taxes, county and municipal, levied on or measured by the sale of beer, except general sales taxes.

Ways and Means.

By Rep. Manley:

H. 381. To amend Section 41-4-156 of the Code of Alabama 1975 which provides for the printing of acts and resolutions in pamphlet form, so as to require the printing of local acts as well as the general acts in pamphlet form, and to provide further for the distribution of pamphlet acts.

Judiciary.

By Rep. Owens:

H. 382. To make a supplemental appropriation to the Department of Public Health from the Vital Statistics Fund, Hospital Licensing Fund and Hearing Aid Fund as provided in Title 34, Chapter 14, Article 1 and 2, 1975, Code of Alabama for the fiscal year ending September 30, 1981.

Ways and Means.

By Rep. Owens:

H. 383. To amend Section 40-9-19 of the Code of Alabama 1975, as amended by Act 80-551 of the 1980 Regular Session of the Alabama Legislature relating to homestead exemptions for ad valorem tax purposes for persons 65 years of age or older and disabled or blind so as to prescribe further the amount of exemption.

Ways and Means.

By Rep. Stout:

H. 384. To amend Section 32-7-15 of the Code of Alabama (1975) so as to correct an error inadvertently made in the 1975 codification of said Code and re-enact the Safety Responsibility Law of Alabama as it actually existed immediately prior to said 1975 codification.

Judiciary.

By Rep. Bowling:

H. 385. To exempt any department or agency of this State whose cost of printing and publication, including the cost equipment, machines, supplies and inventory is financed in full from federal grants under the authority of Title IX of the Social Security Act of 1935, as amended, for the purpose of administering the Employment Security Program in Alabama from the provisions of Act 1286 of the 1973 Regular Session of the Legislature of Alabama.

Ways and Means.

By Rep. Bowling:

H. 386. To exempt from the requirements of the Alabama Child Labor Act, Chapter 8, Title 25, Code of Alabama 1975, as amended, time and hour restrictions for children under 16 and the requirement for securing employment and age certificates by persons under 17 who are employed as actors or performers and to set forth protective employment conditions for such children under the age of 16.

Public Welfare.

By Reps. Payne, Ward, Laird, Stewart, Penry, McMillan, Zoghby, Trammell, Moore, Bedsole, Smith (J), Gilmer, Smith (M), Seibels, Lewis, Hall, Harvey, Cooley, Owens, Whatley, Cheatwood and Rains:

H. 387. To prohibit hazing in state-supported institutions; to define the term hazing, to set criminal penalties for violating this act and to deny state funding in certain instances.

State Administration.

By Rep. Wyatt:

H. 388. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Ways and Means.

By Reps. Penry, Warren, Brakefield, Daniels, Carothers, Johnson (R. G.), Williams, Grimsley, Parker, Bedsole, Holley, Blake, Bowling, Crow, Willis, Whatley and Harper (T):

H. 389. To amend Section 37-1-81, Code of Alabama 1975, which relates to approval by the Public Service Commission of a utility's request for a change in rates or service regulation, so as to prohibit a charge based upon a fuel adjustment charge.

Commerce, Transportation and Utilities.

By Reps. Penry and Sandusky:

H. 390. To provide for the transfer of certain property of the Fort Morgan Military Reservation owned by the Alabama Historical Commission to the Alabama Department of Conservation and Natural Resources, Division of State Parks.

Natural Resources.

By Reps. Dial and Roberts:

H. 391. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

Ways and Means.

By Reps. Bedsole, Penry, Zoghby, Stewart, Patton, Drinkard, Harper (T), Clark (W) and Buskey:

H. 392. To provide that certain handicapped individuals shall be granted distinctive license plate decals or identification placards for use in special parking places reserved for such persons; to authorize reciprocal agreements with other states regarding such parking places and to provide penalties for misuse and abuse of such parking places.

State Administration.

By Rep. Smith (J):

H. 393. To amend Section 15-18-82, Code of Alabama 1975, so as to change the mode of execution to a lethal injection of certain chemical substances.

Judiciary.

By Reps. Langford, Dixon, Wyatt, Grouby, Holmes and McKee:

H. 394. To provide for and set penalties for anyone threatening death or bodily harm to any elected or constitutional official of the State of Alabama or any elected official of any municipal, county, or political subdivision thereof, or conspiring with another to threaten death or bodily harm to any elected or constitutional official of the State of Alabama.

Judiciary.

By Rep. Drinkard:

H. 395. To amend Section 25-4-51, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for the succession of any by governmental entities; designate liability for resulting benefit cost and recovery of such costs from an abolished state agency and to provide for the modification of advance payment rates for governmental employers and the procedure for appealing an assigned or modified rate.

State Administration.

By Reps. Parker, Dial, Willis, Reed, Grouby, Grimsley, Whatley, Manley, Mitchell, Smith (C), Cosby, Brakefield, McKee, Sasser, Wyatt, Langford, Carothers, Williams, Johnson (R. G.), Penry, Owens, Warren, Harper (O), Blake, Cooley, Letson, Bennett, Gilmer, Horn, Boles, Olive, Escott, Moore, Trammell, Nevett, Cates, Clark (W), Buskey, Harper (T), Kennedy, Ward, Laird, Adams (C), Hall, Starkey, Greer, Goodwin, Smith (M), Johnson (Roy), Bowling, Ford, Daniels, Holley, Turner, Amari, Drinkard and Bedsole:

H. 396. Relating to public utilities; to prohibit certain utility companies from advertising except for necessary public notices.

Commerce, Transportation and Utilities.

By Reps. Starkey and Coburn (With Notice and Proof):

H. 397. Relating to the City of Florence; repealing Act No. 2459, H. 2839 of the 1971 Regular Session (Acts 1971, Vol. V, p. 3925), entitled "An Act To prohibit the City of Florence, or any agency thereof, from collecting outside the corporate limits of said city any permit fees, inspection fees or other fees with respect to the enforcement of any building code provision; to provide that building code provisions may be enforced within the police jurisdiction of said city, but to limit the collection of all fees and charges therefor to the area within the corporate limits of the City of Florence."

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 397, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Sandusky:

H. 398. To provide for the payment of funds by the State Department of Education to the respective local boards of education.

Ways and Means.

By Rep. Sandusky:

H. 399. To amend Title 16, Section 13, Subsection 52 of the Code of Alabama, 1975 so as to determine teacher units on the basis of "Average Daily Membership."

Ways and Means.

By Rep. Sandusky:

H. 400. To amend Title 16, Section 13, Subsection 1 of the Code of Alabama, 1975 so as to change the fiscal year for all boards of education.

Ways and Means.

By Rep. Sandusky:

H. 401. To authorize all local boards of education to pay employees a lump sum for their accumulated sick leave upon leaving the system in good standing.

Ways and Means.

By Rep. Sandusky:

H. 402. To authorize local boards of education to appoint an individual in the personnel department to accept resignations of employees.

Ways and Means.

By Reps. Clark (W) and Kennedy:

H. 403. To provide that employees of local school boards shall be granted certain holidays with pay over and above the required 180 workdays.

Ways and Means.

By Reps. Holmes, Reed, Langford, Kennedy, Escott, Nevett, Howard, Horn, Grouby and Buskey:

H. 404. To amend Sections 36-26-16 and 36-26-17 of the Code of Alabama 1975 relating to the manner of filling vacancies and making appointments in the classified service including handicapped persons, so as to prescribe further the number of names of eligible persons to be certified.

Public Welfare.

By Reps. Harrison, Horn and Howard (With Notice and Proof):

H. 405. To amend Sections 4 and 5 of Act No. 232 adopted at the 1977 Regular Session of the Legislature of Alabama so as to increase the amount to be paid by Jefferson County to the transit authority referred to in that Act from 6% to 18% measured by the ad valorem tax referred to in the said Act and to increase the amount to be paid to such transit authority by each municipality in Jefferson County served by such transit authority from 10% to 30% measured by such ad valorem tax.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 405, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Payne, Biddle and Lewis:

H. 406. To provide that the use of a firearm or other offensive weapon while committing or attempting to commit a felony shall constitute a separate felony and prescribe penalties.

Judiciary.

By Rep. Riddick:

H. 407. Amending Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to allow teachers and other employees in city and county schools to take vacations during the school year.

Ways and Means.

By Rep. Adams (H):

H. 408. To amend Section 6-2-3 of the Code of Alabama 1975, so as to extend the time allowed a party for prosecuting actions seeking relief on the ground of fraud.

Judiciary.

By Reps. Boles, McCorquodale, Cheatwood, Payne, Nevett, Olive, Horn, Escott, Kennedy, Harrison, Cabaniss, Trammell, Moore, Patton, Goodwin, Starkey, Cobb, Hall, Drinkard, Stout, Harvey, Ward, Laird, Grimsley, Whatley, Carothers, Dixon, Shoemaker, Holley, Langford, Wyatt, Cates, Hammett, Hines, Warren, McMillan, Penry, Sandusky, Harper (T), Turner, Albright, Roberts, Johnson (Roy), Rains, Ford, Brakefield, Letson, Barton, Smith (C), Clark (G), Manley, Campbell, Venable, Dial, McKee, Blake, Minus, Johnson (R. G.), Adams (C), Reed, Bedsole, Buskey, Clark (W), Stewart, Edwards, Cosby, Pegues, Coburn, Willis, Crow, Sasser, Amari, Waggoner, Gregg, Smith (M) and Mitchell:

H. 409. To create and establish a state land resources information center within the Legislative Fiscal Office; to prescribe certain data and information to be compiled by such center and to provide for the administration of such center.

State Administration.

By Reps. Harper (T) and Bedsole:

H. 410. To provide local school boards in this state an option whereby they may adopt certain basic standardized architectural plans for certain schools in their respective systems and to prescribe certain procedures and contract criteria for adopting and approving such plans.

State Administration.

By Rep. Harper (T):

H. 411. To increase the commercial oyster tonging license from One Dollar (\$1.00) to Ten Dollars (\$10.00) in October 1981 and to Twenty Dollars (\$20.00) in October 1982.

Natural Resources.

By Reps. Greer, Carter, Goodwin, Coburn, Starkey and Hall:

H. 412. To provide that any local city or county board of education be allowed to shorten the minimum number of school days up to a maximum of two days because schools were closed due to sickness, ice, snow, inclement weather or gas shortage, to provide that no school shall lose any funds and no teachers or employees shall lose any pay because of availing itself of the provisions of this Act.

Education.

By Rep. Clark (W):

H. 413. To provide for the payment of funds by the State Department of Education for 200 Health Service Employees.

Ways and Means.

By Reps. Ray, Sandusky, Venable and Hammett:

H. 414. To amend Chapter 18 of Title 40, Code of Alabama 1975, to provide for the collection of debts owed to the State by setoff of such debts against income tax refunds; to define terms; to prescribe procedures for such setoff; to provide for hearings and appeals in contested cases; to permit the

department of revenue to transfer an amount equal to income tax refunds to a claimant agency for the purpose of offsetting such refunds against debts owed to the claimant agency; to provide an effective date; to repeal conflicting laws; and for other purposes.

State Administration.

By Reps. Cabaniss and Shoemaker:

H. 415. To amend 25-2-12, Code of Alabama 1975, as last amended, relating to the Board of Appeals for the Alabama Department of Industrial Relations so as to provide for the appointment of additional alternate members and for the constitution of additional Boards during periods of high appeal workloads.

State Administration.

By Rep. Dixon:

H. 416. To regulate the payment of claims under the terms of health insurance contracts issued in this state.

Insurance.

By Reps. Turnham and McCorquodale:

H. 417. To amend Act No. 80-691, H. 811, 1980 Regular Session (Acts of Alabama 1980, p.—), which Act creates the Alabama Toll Road, Bridge and Tunnel Authority, defines its powers and duties and authorizes the issuance of revenue bonds, so as to remove certain maximum rates of annual interest such bonds shall bear, thereby authorizing the Authority to sell such bonds in such a manner and for such a price as it may determine to be in the best interest of the Authority.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Dixon:

H. R. 35. INVITING THE HONORABLE JOE FOSS, FORMER GOVERNOR OF THE STATE OF SOUTH DAKOTA, TO ADDRESS THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, the House of Representatives of the State of Alabama has learned of the impending visit to the State of Alabama of the Honorable Joe Foss, former Governor of the State of South Dakota and Brigadier General and Chief of Staff (Retired) of the South Dakota Air National Guard; and

WHEREAS, we are most highly honored by Governor Foss' visit to our state and further are most pleased that his stay in Alabama occurs during this 1981 Session of the Legislature; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That we most respectfully request The Honorable Joe Foss, a distinguished South Dakota citizen and recipient of the Congressional Medal of Honor, to address the Alabama House of Representatives on February 19, 1981.

BE IT FURTHER RESOLVED, That by copy of this resolution, Governor Foss be advised of our cordial invitation and that we eagerly anticipate his acceptance.

On motion of Rep. Dixon, the rules were suspended and the resolution, H. R. 35, was adopted.

Also:

By Rep. Brakefield:

H. R. 36. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That House Rule 43 be amended as follows:

Amend House Rule 43 by striking (14) Commerce and Transportation, and adding in lieu thereof (14) Commerce, Transportation and Utilities.

On motion of Rep. Brakefield, the rules were suspended and the resolution, H. R. 36, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 16. CREATING THE TUSCALOOSA COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

On motion of Rep. Barton, the resolution, S. J. R. 16, was adopted.

Also:

S. J. R. 4. EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY UTILIZATION AND VALUE OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH CREATED BY ACT NO. 80/203, SJR 105, OF THE 1980 REGULAR SESSION.

On motion of Rep. Barton, the resolution, S. J. R. 4, was adopted.

MOTION IN WRITING

Rep. McCorquodale filed the following motion in Writing:

At the next Legislative day, a motion will be made to adopt the following Rule Change:

The Joint Rules of the House and Senate are hereby amended by adding the following Rule:

Substitutes and Amendments to bills and resolutions, that are introduced and defeated, need not be set out in full in the Journal of the two houses but shall be referred to by vote and by contents.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Cheatwood, Boles, Escott, Langford, Nevett, Olive and Wyatt:

H. J. R. 37. Regarding the controversy over SB 533

WHEREAS, the controversy pertaining to SB 533 still continues, and

WHEREAS, such controversy places the integrity of the legislature and the legislative process in question, and

WHEREAS, it is in the public interest and in the interest of the democratic process that the legislature adopt rules which ensure due process, and

WHEREAS, there currently exists no clear, written rule governing the conduct of conference committees,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the following joint rule be adopted:

CONFERENCE COMMITTEES TO RECONCILE ONLY
DIFFERENCES BETWEEN TWO HOUSES

Whenever either house declines or refuses to concur in amendments put to a bill originating in the other house, or refuses to adopt a substitute adopted by the other house on a bill it originated, a conference committee shall be appointed upon motion and the bill under consideration shall thereupon be considered by the conferees in a meeting at which a majority of the conferees are present. Only differences between the two houses shall be considered by the conferees and the conference report must not include other matters not voted upon and approved by a majority of such conferees at a meeting of the conference committee.

In voting in such conference committee, the committee of each house votes separately.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Cheatwood offered the motion to suspend the rules and adopt the resolution, H. J. R. 37.

RESOLUTION INDEFINITELY POSTPONED

On motion of Rep. Pegues, the resolution, H. J. R. 37, was indefinitely postponed.

Yeas 44; Nays 23.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Cabaniss, Campbell, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Dial, Dixon, Edwards, Gafford, Grouby, Hammett, Harper (T), Holley, Johnson (R.G.), Kelley, McKee, Manley, Minus, Moore, Owens, Pegues, Ray, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Turner, Venable, Waggoner, Warren, Williams, Willis and Zoghby.

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Nays:

Reps. Albright, Blake, Boles, Bowling, Buskey, Cheatwood, Daniels, Escott, Gilmer, Gregg, Hall, Horn, Johnson (Roy), Laird, Langford, Nevett, Olive, Penry, Rains, Riddick, Stout, Trammell and Wyatt.

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Also:

By Reps. Johnson (Roy) and McKee:

H. J. R. 38. DENYING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.

WHEREAS, The Judicial Compensation Commission has rendered its report to the 1981 Regular Session of the Legislature; and

WHEREAS, The State of Alabama and indeed the whole nation realizes that funds for the operation of state government in all branches are critically low; and

WHEREAS, It is the intent of the Legislature that the judiciary shall be accorded equal treatment with state employees and teachers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the report of the Judicial Compensation Commission, created by Section 6.09 of Article VI of the Constitution of Alabama, filed and submitted to the Legislature on January 14, 1981, and the recommendations contained therein, are hereby denied.

On motion of Rep. Johnson (Roy), the rules were suspended and the resolution, H. J. R. 38, was adopted.

Also:

By Rep. Gafford:

H. J. R. 39. CALLING THE ATTENTION OF THE COURTS TO RECENT OBSERVATIONS OF CHIEF JUSTICE BURGER WITH REGARD TO OUR COURTS' DISPROPORTIONATE CONCERN FOR CRIMINAL SUSPECTS.

WHEREAS, with boundless elation and in fervent thanksgiving, the Alabama Legislature notes the recently publicized observations of Chief Justice Warren Burger with regard to our courts' disproportionate concern for criminal suspects, a current trend, and one of long years' standing, to mollycoddle criminals at the expense of law abiding citizens and innocent victims of violence; and

WHEREAS, in his remarks to a convention of the American Bar Association, Justice Burger also warned that crime has "permeated the fabric of American life," and that our nation's inflated crime rate "may be due in part to excessive concern for the rights of the accused," statements we wholeheartedly endorse as fact and frightening to contemplate; and

WHEREAS, in further concurrence with Mr. Burger's statements, we totally agree with his assessment that our entire criminal justice system is in need of change and, in our opinion, must begin with swift, hard punishment upon conviction and an immediate end to miscarriage of justice as it applies to victims rather than endless appeals to "claims of miscarriage of justice" by criminals once a conviction has been upheld; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby call attention of both state and federal courts to Chief Justice Burger's opinions as recently expressed before the American Bar Association.

BE IT FURTHER RESOLVED, That the courts be notified of the Alabama Legislature's endorsement and support of Mr. Burger's call for reassessment and reform; we also advise said courts that changes must begin now to preserve the sanctity of life and security of our streets, our schools and our homes.

The resolution, H. J. R. 39, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 19. MEMORIALIZING CONGRESS AND THE PRESIDENT TO NOTIFY ALL NATIONS THAT ANY FURTHER SEIZURES OF OUR EMBASSIES OR CITIZENS WILL BE TANTAMOUNT TO A DECLARATION OF WAR AGAINST THE UNITED STATES.

On motion of Rep. Gafford, the resolution, H. J. R. 19, was adopted.

CO-SPONSORS ADDED

Reps Holmes and Bedsole were added as co-sponsors to the resolution, H. J. R. 19.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Mitchell:

H. J. R. 40. CONGRATULATING AND COMMENDING GORDO HIGH SCHOOL, CLASS 2A STATE FOOTBALL CHAMPIONS.

WHEREAS, the Legislature of Alabama is pleased to note the Class 2A State Football Championship won by Gordo High School following a 26-22 triumph over South Choctaw High School of Silas, Alabama; and

WHEREAS, the championship game was well attended by enthusiastic fans of both teams, all of whom thoroughly enjoyed the exciting game and greatly admired the courage and good sportsmanship displayed by all the players; and

WHEREAS, Gordo High School emerged from the finals with the Crown and with fourteen solid victories without a loss for the season; the team wound up with a 35 points-per-game average, ceding a miserly eight points-per-game average to their formidable opponents; and

WHEREAS, leading his team to this outstanding 1980 season and to the Championship, Head Coach Waldon Tucker, now in his third year at Gordo High, was ably assisted by Coaches Jimmy Mills, Ted Copeland, Mike Driver and Ronald Coleman; and

WHEREAS, credit for the crown also goes to all members of this fine 1980 team who worked together diligently all season long, exhibiting good sportsmanship and fair play in each and every game; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Gordo High School and the 1980 Class 2A Football Champions.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. Max Joiner, Principal, for appropriate school display with a copy also sent to Coach Tucker on behalf of his entire staff and his 1980 championship team.

On motion of Rep. Mitchell, the rules were suspended and the resolution, H. J. R. 40, was adopted.

Also:

By Rep. Smith (C):

H. J. R. 41. COMMENDING JAMES ALTON LECROY OF CHILTON COUNTY AS THE ALABAMA PETROLEUM COUNCIL'S TROOPER OF THE YEAR.

WHEREAS, the Alabama Legislature is pleased to note that James Alton Lecroy of Chilton County has been selected as the Alabama Petroleum Council's Trooper of the Year for 1980, a prestigious award bestowed annually for outstanding achievement as a law enforcement officer and for extraordinary community service as a citizen; and

WHEREAS, a native of Clanton, Alabama, and a graduate of Isabella High School, Trooper Lecroy worked for the Chilton County Road Department and for the Alabama Highway Department, and served two enlistments in the United States Navy, including heavy cruiser duty during the Korean Conflict, prior to joining the Alabama Department of Public Safety as a trooper in October 1963; and

WHEREAS, serving first in Marion County, followed by duty in Marengo and Dallas Counties, Trooper Lecroy has been in his present assignment in Chilton County, Montgomery Post, Troop "G", since January 1976; and

WHEREAS, throughout his career with the Department of Public Safety, Alton Lecroy's performance has been conscientiously dependable, his dedication unquestionable and his involvement total and consistent in serving the citizens of his assigned territory; and

WHEREAS, Trooper Lecroy also displays total involvement, dependability and dedication in activity within his community as president of the Isabella P.T.A., as a volunteer fireman with the department he helped organize and as an actively participating member of the Mulberry Baptist Church; and

WHEREAS, Alton Lecroy has perhaps devoted the majority of his spare time to activities related to the young people in his community, most particularly the Clanton Youth Football and Baseball Leagues, firmly believing that involvement with sports helps to develop a strong sense of pride and personal accomplishment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That as Trooper of the Year, a concerned citizen and one who also has been honored for outstanding achievement by a Mayor's Proclamation, we most highly praise and congratulate James Alton Lecroy of Chilton County, Alabama.

BE IT FURTHER RESOLVED, That Trooper Lecroy receive a copy of this resolution in token of appreciation and our high regard.

On motion of Rep. Smith (C), the rules were suspended and the resolution, H. J. R. 41, was adopted.

REPORT FILED

Pursuant to the resolution, HOUSE JOINT RESOLUTION 250, Act 79-752, of the Regular Session of the Legislature, Rep. Robert Gafford, Chairman, submitted the report of the Joint Continuing Committee to Study the Tax Structure of the State of Alabama and the Distribution of Tax Revenues, and the report was ordered filed.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Smith (C):

H. R. 42. COMMENDING MR. T. L. HUNNICUTT, RECIPIENT OF THE HOMER L. JACOBS AWARD.

REPORT FILED

Pursuant to the resolution, H. J. R. 245, Act 80-401, of the Regular Session of 1979 of the Legislature, Rep. Tom Coburn, Chairman, submitted the report of the Joint Interim Committee to Study Unemployment Compensation Laws, and the report was ordered filed.

REPORT FILED

Pursuant to the resolution, H. J. R. 192, Act 80-248, of the Regular Session of 1980 of the Legislature, Rep. Brooks Hines, Chairman, submitted the report of the Joint Prison Committee, and the report was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Grouby:

H. J. R. 43. CONGRATULATING MISS KIM GILLILAND, ALABAMA'S 1981 JUNIOR MISS.

WHEREAS, the Legislature of Alabama notes with utmost pride and pleasure that on January 24, 1981, the lovely Miss Kim Gilliland, representing Autauga County, was named Alabama's Junior Miss for 1981; and

WHEREAS, this beautiful, talented and charming young lady is an 18-year-old senior at Billingsley High School where she is a member of the Beta Club, Math Club, president of the Pep Club, a member and project leader of FHA, FFA Sweetheart, Miss Billingsley High School, president of the Senior Class, co-captain of the cheerleaders, and was named to Who's Who in American High Schools; and

WHEREAS, in addition to her many school-related and academic pursuits, Miss Gilliland's activities extend further to include active participation in the affairs and work of her church where she is a member of the choir; she further enjoys hobbies which include biking, jogging, dancing, sewing and reading; and

WHEREAS, for her talent presentation, Kim Gilliland's performance consisted of a creative "buck-dancing" routine to a blue grass song and for which she made her own outfit; and

WHEREAS, Miss Gilliland, in addition to winning the crown, also placed first in the pageant's poise and appearance and youth fitness categories; she received, among other prizes, a tuition scholarship and a grant-in-aid which she may use in pursuit of a profession as a nurse anesthetist; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Kim Gilliland and heartily congratulate her as Alabama's own Junior Miss for 1981, and thereby our state's lovely and talented representative in national competition.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Miss Gilliland, and to her parents, Mr. and Mrs. Joseph E. Gilliland of Billingsley, Alabama, as evidence of our warm praise and good wishes for every future success.

On motion of Rep. Grouby, the rules were suspended and the resolution, H. J. R. 43, was adopted.

Also:

By Rep. Minus:

H. J. R. 44. MOURNING THE UNTIMELY AND TRAGIC DEATH OF MRS. MERRELL LOLLY RICHMOND.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mrs. Merrell Lolly Richmond of Pleasant Hill, Choctaw County, Alabama, on September 29, 1980; and

WHEREAS, Mrs. Richmond regrettably lost her life when she was struck and killed by a train in Eagleton, Arkansas, while walking with three young children, near a railroad intersection; and

WHEREAS, it is to be noted that Mrs. Merrell Richmond died as a result of her heroic actions in protecting the life of one of the young children in her care; and

WHEREAS, she and two of the youngsters became separated from young five-year-old Samuel Morefield, and Mrs. Richmond dashed across the tracks to prevent the child from crossing to her in front of an approaching train; and

WHEREAS, thus, in an act of uncommon courage, Mrs. Richmond did unhesitatingly risk her own life to save the life of another; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we deeply grieve in the death of Mrs. Merrell Lolly Richmond, we stand in tribute of her courage and in recognition of her ultimate sacrifice that a young child might live.

BE IT FURTHER RESOLVED, That we extend our most heartfelt sympathy to Mrs. Richmond's family and direct that they receive a copy of this resolution that they may know of our great admiration for a courageous lady who died in her attempt to save another's life.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 44, was adopted.

Also:

By Rep. Minus:

H. J. R. 45. COMMENDING MR. AUBREY D. GREEN FOR OUTSTANDING SERVICE TO THE ALABAMA STATE COUNCIL ON THE ARTS AND HUMANITIES.

WHEREAS, Mr. Aubrey D. Green, a member of the Alabama State Council on the Arts and Humanities since January 1, 1968, has further served said Council as its chairman during the period of July 1, 1976, to September 30, 1980; and

WHEREAS, he performed the duties and responsibilities of office faithfully and creatively at all times and his interest and service to the Alabama State Council on the Arts and Humanities remains constant; and

WHEREAS, a former member of the Alabama House of Representatives from the Fourteenth District, Pickens and Sumter Counties, Mr. Green has also served on the Board of Trustees of the University of South Alabama and is a past president of Lions International; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Aubrey D. Green for dedicated service to the Alabama State Council on the Arts and Humanities and for his dedicated involvement in the civic, educational and governmental affairs of our state.

BE IT FURTHER RESOLVED, That Mr. Green receive a copy of this resolution evidencing our warm praise and regard.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 45, was adopted.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Waggoner:

H. R. 46. EXPRESSING BEST WISHES TO OUR COLLEAGUE, JACK BIDDLE.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Zoghby, Clark (W) and McCorquodale:

H. J. R. 47. MOURNING THE DEATH OF MR. GEORGE KALEEL ZOGHBY.

WHEREAS, it is with a sense of deep sorrow and regret that the Legislature of Alabama notes the death of Mr. George Kaleel Zoghby of Mobile, Alabama, on January 12, 1981, at the age of 87 years; and

WHEREAS, though a native of Lebanon, Mr. Zoghby, at the time of his death, had resided in Mobile since 1905, emigrating to the Port City from Beirut; he joined his father, Kaleel Zoghby, in the family business and was later the founder of Kaleel Zoghby and Sons Department Store in Prichard, Alabama; and

WHEREAS, George K. Zoghby was founder of Our Lady of Fatima Catholic Church, also in Prichard, and of the Holy Name Society of that parish; and

WHEREAS, he was a member of the Knights of Columbus, Woodmen of the World, the Red Cross Language Bank and the American Lebanese Club of Mobile, as well as numerous other civic, cultural and philanthropic organizations; and

WHEREAS, prompted by care and concern for others, Mr. Zoghby was always supportive of programs for the betterment of his community and fellow citizens; dedicated as to purpose, he was quietly effective and lavishly generous in service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. George Kaleel Zoghby of Mobile, Alabama, prominent citizen, philanthropist and patriot.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his beloved wife, Mrs. Emma K. Zoghby, that she and their children and other family members may know of our shared sorrow and concern in their great loss.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 47, was adopted.

Also:

By Reps. Sandusky, Manley, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, McCorquodale, McMillan, Minus, Moore, Naramore, Olive, Parker, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 48. NAMING THE LAKE NOW KNOWN AS BIBB COUNTY LAKE THE "WALTER OWENS LAKE."

WHEREAS, our highly respected colleague, Roy Walter Owens, has served in the Alabama Legislature for 15 years; and

WHEREAS, Walter Owens has diligently represented his constituents of Bibb County for four terms in the House of Representatives; and

WHEREAS, Representative Walter Owens has rendered great service to the state and its citizens as Chairman of the House Ways and Means Committee; and

WHEREAS, our friend Walter Owens was the one person most instrumental in providing for the planning, development and construction of the Bibb County Lake, which is soon to be officially opened; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude to our friend whom we have long admired and respected, this body hereby names and designates the lake now called Bibb County Lake as "The Walter Owens Lake."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized and directed to erect and maintain appropriate signs and markers so designating said lake.

RESOLVED FURTHER, That a copy of this resolution be presented to Representative Owens as a memento of this honorary designation.

On motion of Rep. Sandusky, the rules were suspended and the resolution, H. J. R. 48, was adopted.

Also:

By Rep. McKee:

H. J. R. 49. REQUIRING STATE AGENCIES AND DEPARTMENTS TO REPORT TO THE LEGISLATURE ON THE AMOUNT OF MONIES SPENT ON PROFESSIONAL CONSULTING FEES.

WHEREAS, this Legislature has been called upon to take a careful look at all budgets submitted to them this year; and

WHEREAS, the funds available for appropriations to the various state agencies are severely limited for the current fiscal year; and

WHEREAS, the Legislature needs all facts and figures before considering this year's budget; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby orders and directs each state agency and department to file a written report with the Clerk of the House and the Secretary of the Senate on or before the 15th legislative day of the current regular session stating in detail the amount such agencies spend on any professional consulting fees whatsoever. Said statements shall show the amount of the fees, the name and address of the person or firm to whom paid, and shall list all such fees paid since the commencement of the 1979-80 fiscal year.

BE IT FURTHER RESOLVED, That the Clerk of the House shall send copies of this resolution to all state agencies and departments.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 49, was adopted.

Also:

By Reps. Ford and Drinkard:

H. J. R. 50. DESIGNATING THE SQUARE DANCE AS THE AMERICAN FOLK DANCE OF THE STATE OF ALABAMA.

WHEREAS, love of state and professions is enhanced by traditions that have become a part of our way of life and the customs of the American people; and

WHEREAS, we have distinctive and meaningful symbols of our ideals in our state's flag and in many cultural endeavors, but no official designation of a State Folk Dance; and

WHEREAS, the Square Dance, which was first associated with the American people and recorded in history since 1651, has consistently been the one dance recognized by the American people as a dignified and enjoyable expression of American folk dancing; and

WHEREAS, official recognition of the Square Dance will enhance the cultural stature of Alabama both nationally and internationally; and

WHEREAS, national and international prestige is in the best interest of all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the dance known as the Square Dance is designated the American Folk Dance of the State of Alabama.

The resolution, H. J. R. 50, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Minus:

H. J. R. 51. MOURNING THE DEATH OF MR. TILLMAN J. WRIGHT, PROMINENT BUTLER, ALABAMA BUSINESSMAN AND CIVIC LEADER.

WHEREAS, the Legislature of Alabama has grievously noted the untimely death of Mr. Tillman J. Wright of Butler, Alabama, on March 15, 1980, at the age of 55 years; and

WHEREAS, a native and lifelong resident of Choctaw County, Mr. Wright was first employed at the age of 15 by Butler Drug Company, a business he was later to own; he joined the United States Army during World War II, serving from 1943 until his 1946 discharge primarily in the European Theatre; and

WHEREAS, he then rejoined Butler Drug Company, greatly expanding its operation, and later became active in real estate and other businesses as well; and

WHEREAS, professionally, he was a member of the National Association of Retail Druggists and held membership in numerous other organizations including the American Legion, V. F. W., Lions Club, Chamber of Commerce, the Choctaw Country Club and the Choctaw County Library; he also was a charter member of the Butler Jaycees and was an organizer of and member of the Board of the First National Bank of Butler; and

WHEREAS, in further service to his community and his native Choctaw County, Mr. Wright was a leader in promoting the location of mills in that county by both Vanity Fair and American Can and also promoted the establishment of Choctaw General Hospital; and

WHEREAS, his leadership extended further to include service as a volunteer fireman, membership on the Utilities Board and on the Butler Town Council for 22 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the citizens of Butler and Choctaw County in mourning the death of Mr. Tillman J. Wright who, prominent in achievement and accomplishment, long served the needs of his community, and whose death has left a great void in the lives of those privileged to know him.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Olna Pope Wright, their son, Donald Thomas Wright, and other family members as evidence of our deeply shared sorrow in their great loss.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 51, was adopted.

Also:

By Rep. Minus:

H. J. R. 52. RECOGNIZING THE ACCOMPLISHMENTS OF THE BALLET AND THEATRE PERFORMING COMPANIES.

WHEREAS, the Ballet and Theatre Arts Performing Companies were organized in 1979 as an outgrowth of the work of the Ballet and Theatre Arts School, College Avenue, Gilbertown, Alabama; and

WHEREAS, during December of 1979, the Community Chorus of the companies performed for three consecutive nights in an impressive Christmas Cantata entitled, "The Love Story," which received extremely favorable comments and the praise of all who heard this remarkable performance; and

WHEREAS, preceding the Easter holiday in the Spring of 1980, the Community Chorus gave its second performance, this being an Easter Cantata, entitled "Living Witnesses," which was equally well-received and was indeed an impressive production; and

WHEREAS, in the Spring, 1980, the whole ensemble consisting of the Chorus, as well as some of the student dancers and actors associated with the Performing Companies, performed selections from some of the greatest Broadway hits, concentrating particularly on "Oklahoma" which performance generated so much public attention that an extra Command Performance had to be given the following week; and

WHEREAS, it is the goal of the Ballet and Theatre Arts Performing Companies to become an ongoing part of the cultural and community life of Choctaw County and its surrounding area; and

WHEREAS, the Ballet and Theatre Arts Performing Companies and their excellent productions and activities have provided a new dimension in the social, cultural, intellectual, and spiritual lives of spectator and participant alike, in the Southwest Alabama area; and

WHEREAS, thus far there have been involved in the work of the Companies citizens from Choctaw, Clarke, Washington, and Marengo Counties in Alabama, and from Lauderdale and Wayne Counties in Mississippi; and

WHEREAS, the performances to date of the Performing Companies have been praised by experts in the fields of the performing arts; and

WHEREAS, the Legislature of the State of Alabama recognizes the favorable and uplifting accomplishments of the Ballet and Theatre Arts Performing Companies on an area of the Gulf Region that was heretofore denied the benefits of accessible dramatic arts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the artistic and educational endeavors of the Ballet and Theatre Arts Performing Companies should touch the lives of the greatest number of people so that no person with an interest in the arts is denied the opportunity to have local access to cultural events of the highest caliber.

BE IT FURTHER RESOLVED, That in recognition of its initiative and professional dedication in bringing light and joy where none was present before, it is hereby directed that state agencies with responsibility for instruction and performance of the dramatic arts cooperate to the fullest extent with Ballet and Theatre Arts Performing Companies to bring even greater opportunities for instruction and performance of the dramatic arts to the people of the Gulf Region.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 52, was adopted.

BILLS ON THIRD READING

And the bill:

H. 86. Relating to Marengo County; authorizing the county commission to increase the mileage allowance of the county coroner and providing for its retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Campbell, Cates, Clark (G), Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Hall, Hammett, Holmes, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, Lewis, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Pegues, Ray, Reed, Roberts, Shoemaker, Stewart, Stout, Turner, Venable, Ward, Warren and Wyatt.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 109. Relating to Calhoun County; to levy a privilege or license tax upon the sale, distribution or storage of beer; to fix the amount or rate of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Campbell, Carothers, Cates, Clark (G), Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Hall, Hammett,

Harper (O), Hines, Holmes, Kennedy, Langford, Letson, Lewis, Manley, Minus, Moore, Naramore, Olive, Patton, Ray, Reed, Roberts, Shoemaker, Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 137. Relating to Sumter County; prescribing certain limitations on procedures for extending the corporate limits and boundaries of incorporated municipalities in said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Carothers, Cates, Cheatwood, Clark (G), Cobb, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Hines, Holmes, Kelley, Kennedy, Langford, Letson, Lewis, Minus, Moore, Naramore, Olive, Parker, Patton, Penry, Rains, Ray, Reed, Roberts, Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 138. Relating to Choctaw County; to provide for the replacement of casings in certain wells located in the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Hines, Holmes, Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, Minus, Naramore, Olive, Parker, Penry, Rains, Ray, Reed, Roberts, Stewart, Stout, Turner, Venable, Ward, Whatley, Willis and Wyatt.

—55

And the bill:

H. 139. Relating to Sumter County; to provide for the replacement of casings in certain wells located in the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Hines, Holmes, Kelley, Kennedy, Langford, Letson, Lewis, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Penry, Rains, Ray, Reed, Roberts, Smith (J), Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—60

And the bill:

H. 140. Relating to Sumter County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Naramore, Nevett, Olive, Parker, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—68

And the bill:

H. 172. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Glen Allen, in Fayette County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Drinkard, Edwards, Gafford,

Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Hines, Holley, Holmes, Horn, Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Penry, Rains, Ray, Reed, Roberts, Sasser, Smith (J), Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—65

And the bill:

H. 173. Relating to Lamar County; to provide further for the compensation of certain election officers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Hines, Holmes, Horn, Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Owens, Parker, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Smith (J), Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—65

And the bill:

H. 251. Relating to St. Clair County; to further amend sections 3 and 9 of Act No. 243, H. 509, of the Regular Session of 1979 relating to a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board and who shall have the authority to suspend an employee for certain reasons.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Hines, Holmes, Horn, Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (J), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Willis and Wyatt.

—68

And the bill:

H. 252. Relating to St. Clair County; to provide for additional per diem payments to each member of the Board of Equalization.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Gafford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Parker, Penry, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smigh (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Willis and Wyatt.

—68

And the bill:

H. 253. Relating to St. Clair County; amending Act No. 80-520, H. 1057, 1980 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to limit the mileage allowance to only the returning officer.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Hines, Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Parker, Penry, Rains, Ray, Reed, Roberts, Sasser, Smith (C), Smith (J), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Willis and Wyatt.

—65

And the bill:

H. 268. Relating to Covington County; providing for an additional expense allowance for the members of the board of registrars of said county and providing for its retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Hines, Holley,

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Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Willis and Wyatt.

—69

And the bill:

H. 269. Relating to Covington County; to legalize the sale of draft or keg beer or malt beverages.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 5.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Carothers, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Hines, Holmes, Kennedy, Langford, Lewis, McMillan, Manley, Minus, Moore, Naramore, Pegues, Penry, Rains, Reed, Sasser, Shoemaker, Smith (J), Stout, Venable, Waggoner, Whatley and Willis.

—48

Nays: Reps. Holley, Letson, McKee, Ray and Smith (C).

—5

RESOLUTION

The following resolution was introduced:

By Rep. Reed:

H. R. 53. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That the Rules of the House of Representatives are hereby amended to read as follows:

No former member of the House of Representatives or the Senate who is a lobbyist, whether registered or unregistered, is permitted on the floor when the House is in session if any member objects.

The motion offered by Rep. Reed, to suspend the rules and adopt the resolution, H. R. 53, was lost.

Yeas 3; Nays 63.

Yeas: Reps. Holley, Reed and Turner.

—3

Nays:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Biddle, Bowling, Brakefield, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Hines, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Lewis, McKee, McMillan, Manley, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Whatley, Williams, Willis and Zoghby.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 5. MOURNING THE DEATH OF JUSTICE JAMES N. BLOODWORTH.

Also:

S. J. R. 6. COMMENDING DR. KOHN W. KIRKLIN AND ASSOCIATES FOR THEIR CONTRIBUTION IN ESTABLISHING THE ALABAMA CONGENITAL HEART DISEASE DIAGNOSIS AND TREATMENT CENTER.

Also:

S. J. R. 7. CONGRATULATING THE 1980 STATE 4A FOOTBALL CHAMPIONS, THE VESTAVIA HILLS HIGH SCHOOL REBELS.

Also:

S. J. R. 8. MOURNING THE DEATH OF W. COOPER GREEN, FORMER BIRMINGHAM MAYOR AND STATE LEGISLATOR.

Also:

S. J. R. 9. MOURNING THE DEATH OF MR. JOSEPH C. McCORQUODALE, SR., OF CLARKE COUNTY, ALABAMA.

Also:

S. J. R. 10. COMMENDING MR. HARRY L. WEAVER FOR OUTSTANDING SERVICE AS ESCAMBIA COUNTY SUPERINTENDENT OF EDUCATION.

Also:

S. J. R. 11. HONORING JUDGE HUGH ROZELLE UPON HIS RETIREMENT AS JUDGE OF THE DISTRICT COURT OF ESCAMBIA COUNTY.

Also:

S. J. R. 13. CONGRATULATING AND COMMENDING GORDO HIGH SCHOOL, CLASS 2A STATE FOOTBALL CHAMPIONS.

Also:

S. J. R. 14. CONGRATULATING AKRON HIGH SCHOOL CLASS A FOOTBALL CHAMPIONS.

Also:

S. J. R. 15. COMMENDING SOUTH CHOCTAW HIGH SCHOOL ON ITS OUTSTANDING 1980 FOOTBALL SEASON.

Also:

S. J. R. 17. COMMENDING GENERAL IVAN F. SMITH.

Also:

S. J. R. 18. CONGRATULATING MR. AND MRS. J. D. LAWLEY
ON THE OCCASION OF THEIR GOLDEN WEDDING ANNIVERSARY.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 6. MOURNING THE DEATH OF JOSEPH CHARLES
McCORQUODALE, SR., DISTINGUISHED CITIZEN AND PROMINENT
CLARKE COUNTIAN.

Also:

H. J. R. 17. CONTINUING THE LEGISLATIVE JOINT INTERIM
EDUCATIONAL INSTITUTIONS STUDY COMMITTEE.

Also:

H. J. R. 11. COMMENDING THE ALABAMA CATTLEMEN'S AS-
SOCIATION.

Also:

H. J. R. 16. COMMENDING WAYNE SPRADLEY OF PELL CITY,
ALABAMA, ON HIS OUTSTANDING ARTISTIC ACCOMPLISHMENTS.

Also:

H. J. R. 28. CALL FOR AN INVESTIGATION BY THE OFFICE OF
MANAGEMENT AND BUDGET INTO THE COST EFFECTIVENESS OF
HSAS.

Also:

H. J. R. 27. REQUESTING THE GOVERNOR TO ESTABLISH A
TASK FORCE FOR THE PURPOSE OF FORMULATING RECOM-
MENDATIONS FOR THE USE OF EXISTING RESOURCES TO REDUCE
INAPPROPRIATE TEENAGE PREGNANCIES IN ALABAMA.

Also:

H. J. R. 21. HONORING CLARANCE R. MYRICK, PROMINENT
CLARKE COUNTY CIVIC AND POLITICAL LEADER.

Also:

H. J. R. 22. EXTENDING BEST WISHES OF THE LEGISLATURE TO MR. AND MRS. WILLIAM VAUGHN LEWIS OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 25. HONORING PAUL WESTERFIELD BRUNSON UPON HIS RETIREMENT AS JUDGE OF THE DISTRICT COURT OF MOBILE COUNTY.

Also:

H. J. R. 18. MOURNING THE DEATH OF EDWARD GINGLES.

Also:

H. J. R. 30. HONORING COMMUNITY EDUCATION.

Also:

H. J. R. 7. COMMENDING MISS PAIGE PHILLIPS, MISS ALABAMA AND FIRST ALTERNATE TO MISS AMERICA, 1981.

Also:

H. J. R. 8. CORDIALLY REQUESTING MISS PAIGE PHILLIPS OF LEEDS, ALABAMA, TO APPEAR IN PERFORMANCE FOR THE ALABAMA LEGISLATURE.

Also:

H. J. R. 23. NAMING HIGHWAY 144 IN SAINT CLAIR COUNTY, ALABAMA, THE "POP DICKINSON HIGHWAY."

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rep. Gafford:

H. R. 54. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 284.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending bill, H. B. 284, a copy of which is attached to this resolution and made a part hereof by reference:

1. Does Section 1 of H. B. 284, specifically the language on page 4 thereof, under the definition under subsection (9) "PUBLIC EMPLOYEE," which includes as public employees "newspaper firms or associations, and their agents or officials, which provide publications of legal notices which are paid by the state," violate the provisions of Section 4 of the State Constitution?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send a sufficient number of true copies of the pending bill, H. B. 284, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Rep. Gafford, the rules were suspended and the resolution, H. R. 54. was adopted.

Yeas 45; Nays 8.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Biddle, Blake, Brakefield, Cabaniss, Carter, Cates, Clark (G), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Gafford, Gilmer, Gregg, Grimsley, Grouby, Harper (O), Holley, Johnson (R. G.), Kelley, Kennedy, Letson, Lewis, Manley, Moore, Olive, Parker, Payne, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (M), Stewart, Turner, Waggoner, Willis and Zoghby.

—45

Nays:

Reps. Bennett, Cobb, Horn, Johnson (Roy), Naramore, Stout, Venable and Wyatt.

—8

BILLS ON THIRD READING RESUMED

And the bill:

H. 11. To amend § 40-18-74, Code of Alabama 1975, to require certain employers to remit to the Department of Revenue on a monthly basis the amount of income tax required to be deducted and withheld from the wages of their employees.

Was taken up.

AMENDMENT OFFERED

Rep. Cates offered the following amendment to the bill, H. 11:

Amend H. B. 11 by deleting the entire Section 4 on lines 5, 6 and 7 on page 3 and inserting in lieu thereof the following, viz:

Section 4. This Act shall become effective on the first day of the next quarter of the state fiscal year that commences after passage of this act.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn,

Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghyb.

—81

SUBSTITUTE OFFERED

Rep. Naramore offered the following substitute to the bill, H. 11, as amended:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 40-18-74, Code of Alabama, 1975, to require certain employers to remit to the Department of Revenue on a monthly basis the amount of income tax required to be deducted and withheld from the wages of their employees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-18-74, Code of Alabama, 1975, is hereby amended to read as follows:

“§ 40-18-74. Payment of amounts withheld.

“(a) Every employer required to deduct and withhold tax under § 40-18-71 shall, for the quarterly period beginning January 1, 1956, and for each quarterly period thereafter, on or before the last day of the month following the close of each quarterly period make return and pay over to the department of revenue the tax required to be withheld under § 40-18-71. Where an employer is one other than a county governing body or a municipal governing body and the aggregate amount required to be deducted and withheld by such employer for either the first or second month of a calendar quarter exceeds one thousand dollars the employer shall be the fifteenth day of the succeeding month pay over such aggregate amount to the department of revenue. The amount so paid shall be allowed as a credit against the liability shown on the employer's quarterly withholding return required by this section. Any employer required under this section to make monthly payments of the aggregate amount required to be deducted and withheld that does not pay over such aggregate amount by the prescribed date shall be subject to the same penalties provided in § 40-18-80(b).

“(b) If the department, in any case, has reason to believe that the collection of the tax provided for in § 40-18-71 is in jeopardy, it may require the employer to make such return and pay such tax at any time.

“(c) Every employer, who fails to withhold or pay to the department any sums required by this chapter to be withheld and paid, shall be personally and individually liable therefor to the state of Alabama, and any sum or sums withheld in accordance with the provisions of § 40-18-71 shall be deemed to be held in trust for the state.

“(d) In the event an employer fails to withhold or pay over to the department any amount required to be withheld under § 40-18-71, such amount may be assessed against such employer in the same manner as is prescribed

for the assesment of income tax under the provisions of § 40-18-80. Such employer may appeal from such final assessment in the same manner as is prescribed by law for appeals by the taxpayer. When no appeal is taken by the employer, execution may be issued upon the final assessment in the same manner as is provided by law for the issuance of an execution by the department of revenue.

"(e) The state shall have a lien upon all the property of any employer who fails to withhold or pay over to the department sums required to be withheld under § 40-18-71. If the employer withholds but fails to pay the amounts withheld to the department, the lien shall accrue as of the date the amounts withheld were required to be paid to the department. If the employer fails to withhold, the lien shall accrue at the time the liability of the employer becomes fixed."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective on the first day of the second month next following its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Cates, the substitute offered to the bill, H. 11, as amended, was tabled.

Yeas 51; Nays 25.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Cabaniss, Carothers, Cates, Clark (G), Clark (W), Cosby, Dial, Drinkard, Escott, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Hines, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Langford, McKee, Manley, Minus, Mitchell, Owens, Pegues, Penry, Rains, Reed, Sandusky, Sasser, Shoemaker, Smith (M), Stewart, Stout, Warren, Whatley, Williams, Willis and Wyatt.

—51

Nays:

Reps.: Albright, Boles, Bowling, Carter, Cheatwood, Cobb, Coburn, Crow, Dixon, Goodwin, Greer, Hall, Harvey, Letson, Moore, Naramore, Olive, Payne, Ray, Riddick, Roberts, Smith (C), Starkey, Trammell and Turner.

—25

RESOLUTION

The following resolution was introduced:

By Reps. Ford, Drinkard, Harvey and Adams (H):

H. J. R. 55. NAMING THE ARMY NATIONAL GUARD ARMORY, LOCATED AT THE INTERSECTION OF AIRPORT AND STEEL STATION ROADS IN GADSDEN, ETOWAH COUNTY, ALABAMA, THE "CLARENCE F. RHEA ARMORY."

WHEREAS, a native of Attalla in Etowah County, Alabama, Clarence F. Rhea is a graduate of the University of Alabama with a B.S. Degree awarded in 1943 and of the University of Virginia with an LL.B. Degree in 1948; and

WHEREAS, he was admitted to the Alabama Bar, also in 1948, and is the senior partner in the firm of Rhea, Boyd and Rhea; he is a member and past president of the Etowah County Bar Association, a member of the Alabama and American Bar Associations, Alabama Trial Lawyers Association and the Association of Trial Lawyers; and

WHEREAS, a member of the First United Methodist Church, Mr. Rhea also is a former District Lay Leader for the Gadsden District and is presently Conference Lay Leader of North Alabama Conference United Methodist Church; he is a Mason and a Shriner, member and past president of the Gadsden Civitan Club, a member of the Board of Directors of the Boys' Club of Etowah County and the United Givers Fund, serves on the Salvation Army Advisory Board, and is Chairman of the Heritage and Preservation Commission of Gadsden and Etowah Counties; and

WHEREAS, Clarence Rhea served for five years on active military duty, including service in Germany during World War II, and with the 31st "Dixie Division" during the Korean Conflict; he attained the rank of Brigadier General in the Alabama National Guard in 1975 and was serving as Commander of the 31st Armored Brigade at the time of his retirement from the Alabama Guard in 1980; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Army National Guard Armory, located at the intersection of Airport and Steel Station Roads in Gadsden, Etowah County, Alabama, the "Clarence F. Rhea Armory."

BE IT FURTHER RESOLVED, That the Armory Commission is hereby directed to cause appropriate signs and markers to be erected and maintained in so designating said National Guard Armory.

RESOLVED FURTHER, That General Rhea receive a copy of this resolution as a memento of this honorary designation in appreciation of both his long and honorable military service and active involvement in his community's affairs.

The resolution, H. J. R. 55, was read and referred to the Standing Committee on Rules.

H. 11 RESUMED

And the bill, H. 11 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 15.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Clark (G), Clark (W), Cobb, Coburn, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, Manley, Minus, Mitchell, Moore,

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Naramore, Nevett, Owens, Pegues, Penry, Rains, Ray, Riddick, Sasser, Smith (C), Smith (M), Starkey, Stewart, Stout, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—70

Nays:

Reps.: Carter, Cheatwood, Cosby, Dixon, Escott, Gregg, Hall, Johnson (R. G), Letson, Olive, Parker, Patton, Payne, Roberts and Turner.

—15

CO-SPONSORS ADDED

Reps. Rains and Naramore were added as co-sponsors to the bill, H. 11.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 33. COMMENDING JULIO CORTE, JR., BALDWIN COUNTY, CATTLEMAN OF THE YEAR.

Also:

H. J. R. 34. HONORING THE CUB SCOUTS OF AMERICA PROGRAM.

Also:

H. J. R. 41. COMMENDING JAMES ALTON LECROY OF CHILTON COUNTY AS THE ALABAMA PETROLEUM COUNCIL'S TROOPER OF THE YEAR.

Also:

H. J. R. 43. CONGRATULATING MISS KIM GILLILAND, ALABAMA'S 1981 JUNIOR MISS.

Also:

H. J. R. 44. MOURNING THE UNTIMELY AND TRAGIC DEATH OF MRS. MERRELL LOLLY RICHMOND.

Also:

H. J. R. 45. COMMENDING MR. AUBREY D. GREEN FOR OUTSTANDING SERVICE TO THE ALABAMA STATE COUNCIL ON THE ARTS AND HUMANITIES.

Also:

H. J. R. 47. MOURNING THE DEATH OF MR. GEORGE KALEEL ZOGHBY.

Also:

H. J. R. 51. MOURNING THE DEATH OF MR. TILLMAN J. WRIGHT, PROMINENT BUTLER, ALABAMA BUSINESSMAN AND CIVIC LEADER.

Also:

H. J. R. 52. RECOGNIZING THE ACCOMPLISHMENTS OF THE BALLET AND THEATRE PERFORMING COMPANIES.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Gafford:

H. J. R. 56. TO EXTEND THE PERIOD OF TIME FOR THE LEGAL OPERATION AND APPLICABILITY OF ACT NO. 80-738, S. 533, 1980 REGULAR SESSION, ALSO APPEARING AS SECTION 8-8-14, CODE OF ALABAMA 1975, TO JULY 1, 1983.

WHEREAS, Enrolled Act No. 80-738, S. 533, 1980 Regular Session (Acts 1980, p. 1502), also appearing in substance as Section 8-8-14, Code of Alabama 1975, as such Act was enacted by the legislature and approved by the Governor, provides in Section 5 thereof that the provisions of said Act 80-738 shall terminate on July 1, 1981, unless continued by Act or resolution of the legislature; and

WHEREAS, the legislature now desires to extend the termination date to July 1, 1983; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the provisions of Act No. 80-738, S. 533, 1980 Regular Session (Acts 1980, p. 1503) (Section 8-8-14, Code of Alabama, 1975), shall remain in full force until July 1, 1983, and shall terminate on said date unless continued further by Act or resolution of the legislature.

The resolution, H. J. R. 56, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Gafford:

H. R. 57. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. J. R. 56.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending resolution, H. J. R. _____, a copy of which is attached to this resolution and made a part hereof by reference:

1. Can the legal operation of the provisions of Act No. 80-738, S. 533, 1980 Regular Session, also now appearing as Section 8-8-14, Code of Alabama 1975, as passed by the legislature and signed by the Governor, be extended until July 1, 1983, as provided in H. J. R. _____, in view of Section 5 of said Act 80-738 which reads as follows:

"Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, that the provisions of this act shall become null and void July 1, 1981 and shall have no force and effect unless such provisions are continued by act of the legislature or by joint resolution of the legislature."

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send a sufficient number of true copies of the pending resolution, H. J. R. _____, and a sufficient number of copies of the enrolled Act No. 80-738, 1980 Regular Session, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Gafford offered the motion to suspend the rules and adopt the resolution, H. R. 57.

DIVISION OF THE QUESTION

Rep. Cheatwood called for the division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Gafford to suspend the rules in order to take up for immediate consideration the resolution, H. R. 57, and the motion was lost, lacking a four-fifths vote.

Yeas 37; Nays 15.

Yeas:

Mr. Speaker, Barton, Bedsole, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Dixon, Escott, Gafford, Gilmer, Grimsley, Hall, Harper (T), Holley, Johnson (R. G.), Kelley, Letson, Manley, Minus, Moore, Parker, Payne, Reed, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Waggoner, Williams, Willis and Zoghby.

—37

Nays:

Reps.: Blake, Cheatwood, Crow, Daniels, Gregg, Horn, Howard, Langford, McMillan, Naramore, Nevett, Olive, Penry, Rains and Wyatt.

—15

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. R. 57, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 50. DESIGNATING THE SQUARE DANCE AS THE
AMERICAN FOLK DANCE OF THE STATE OF ALABAMA.

On motion of Rep. Ford the resolution, H. J. R. 50, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Robertson:

S. J. R. 25. HONORING MR. TRAVIS FAIR UPON HIS RETIREMENT AS PICKENS COUNTY COMMISSIONER.

Also:

By Messrs. McDonald, Lemaster, and Smith:

S. J. R. 27. MOURNING THE DEATH OF DR. PHILLIP MASON OF HUNTSVILLE, ALABAMA.

Also:

By Mr. Teague:

S. J. R. 28. MOURNING THE DEATH OF MRS. PAULINE MYRA JONES GANDRUD.

Also:

By Mr. Martin:

S. J. R. 33. EXTENDING OUR GOOD WISHES FOR AN EARLY RECOVERY FOR MRS. BETTY NELL LETSON.

Also:

By Messrs. Cook and Proctor:

S. J. R. 32. HONORING MR. JAMES FRANKLIN GLASGOW OF ALABASTER, SHELBY COUNTY, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Mitchell, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 25, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Albright, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 27, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Barton, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 28, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Roberts, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 33, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Waggoner, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 32, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Little, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledege, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 30. MOURNING THE DEATH OF COACH JAMES RALPH JORDAN OF AUBURN UNIVERSITY.

WHEREAS, the Legislature of Alabama has been grievously saddened by the death of Auburn's beloved Coach James Ralph "Shug" Jordan on July 17, 1980, at the age of 69; and

WHEREAS, as Auburn's head football coach for 25 seasons from 1951 until his 1975 retirement, Shug Jordan successfully re-built Auburn's football program to powerhouse proportions, to the National Championship in 1957 and his teams, throughout his tenure, were a source of great pride to the State of Alabama, as was Coach Jordan's phenomenal career record of 175-83-7, which ranked him fourth in the nation in all-time victories among college coaches; and

WHEREAS, during his long association with Auburn, which he served with love and devotion until his death, Ralph "Shug" Jordan was coach, mentor and, above all, friend to hundreds of young athletes whose lives were profoundly affected through association with our state's own legendary "Gentleman Coach"; and

WHEREAS, the passage of time since Coach Jordan's death has not eased the sorrow of those who knew and loved him as the extraordinary man that he was; he yet is mourned by his family and many, many friends, by all those privileged to know him and, indeed, by the entire citizenry of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of Alabama's own "Shug" Jordan through whom the spirit of Auburn shone brightly.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to his wife, Mrs. Evelyn Walker Jordan that she and their children may know of our sincerely shared sorrow in the loss of their husband and father, a distinguished Alabamian and a truly great American.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turnham, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 30, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Little, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White:

S. J. R. 31. MOURNING THE DEATH OF DEAN KATHARINE COOPER CATER OF AUBURN UNIVERSITY.

WHEREAS, it is with a deep sense of sorrow and regret that the Alabama Legislature notes the death of Dean Katharine Cooper Cater on July 23, 1980, in Auburn, Alabama; and

WHEREAS, for more than thirty years, from 1946 until her death, Dean Cater supervised and counselled Auburn students in her capacity first as Dean of Women and Social Director, then as Dean of Student Life; she was sympathetic, objective and fair in her guidance, and constant in her love as she served her beloved Auburn and "her" students with devotion and dedicated zeal; and

WHEREAS, the recipient of numerous honors, accolades and awards, Dean Cater was perhaps most signally honored by the 1979 dedication of the Social Center at Auburn University, designated by the Legislature and the Auburn Board of Trustees as "Katharine Cooper Cater Hall"; and

WHEREAS, named administrator of the Year in 1979 by the Association of Alabama College Administrators, she also was acclaimed by the establishment in 1977 of the Katharine Cooper Cater Fellowship by Alpha Lambda Delta, the professional honorary organization she served as National President from 1970 until 1976; and

WHEREAS, though a native of Georgia and a graduate of South Carolina's Limestone College, magna cum laude, Auburn and Alabama claim Dean Cater for their own as she was a lady of great stature and accomplishment who for almost 35 years helped mold the character, values and high moral principles of thousands of Alabama's youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Katharine Cooper Cater and extend our most heartfelt sympathy to her family to whom a copy of this resolution shall be sent.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turnham, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 31, set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

And the bill:

H. 69. To amend extensively the "Sunset Act of 1976", in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama, 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or non-enumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

Was taken up.

AMENDMENT OFFERED

Rep. Greer offered the following amendment to the bill, H. 69:

Amend H.69 on page 15, line 21 by adding the following after the period.

Provided, however, that either House may, by a three-fifths vote of those members present and voting, consider other business before that house.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 53; Nays 16.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Bennett, Blake, Boles, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Crow, Drinkard, Edwards, Escott, Gilmer, Goodwin, Greer, Grouby, Hall, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (Roy), Langford, Letson, Lewis, Mitchell, Nevett, Parker, Payne, Rains, Riddick, Smigh (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

Nays:

Reps.: Cabaniss, Cosby, Daniels, Dial, Dixon, Gafford, Hammett, McMillan, Manley, Moore, Olive, Pegues, Penry, Sasser, Shoemaker and Venable.

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And the bill, H. 69 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Mitchell, Moore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Reed, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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CO-SPONSOR ADDED

Rep. Greer was added as co-sponsor to the bill, H. 69.

And the bill:

H. 59. To create an Equipment Management Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Management Surplus Reserve Account; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment; the provisions of this act shall be retroactive to October 1, 1980.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harrison, Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 6. Mourning the death of Joseph Charles McCorquodale, Sr., distinguished citizen and prominent Clarke Countian.

Also:

H. J. R. 7. Commending Miss Paige Phillips, Miss Alabama and first alternate to Miss America, 1981.

Also:

H. J. R. 8. Cordially requesting Miss Paige Phillips of Leeds, Alabama, to appear in performance for the Alabama Legislature.

Also:

H. J. R. 11. Commending the Alabama Cattlemen's Association.

Also:

H. J. R. 16. Commending Wayne Spradley of Pell City, Alabama, on his outstanding artistic accomplishments.

Also:

H. J. R. 17. Continuing the Legislative Joint Interim Educational Institutions Study Committee.

Also:

H. J. R. 18. Mourning the death of Edward Gingles.

Also:

H. J. R. 21. HONORING CLARANCE R. MYRICK, PROMINENT CLARKE COUNTY CIVIC AND POLITICAL LEADER.

Also:

H. J. R. 22. EXTENDING BEST WISHES OF THE LEGISLATURE TO MR. AND MRS. WILLIAM VAUGHN LEWIS OF BIRMINGHAM, ALABAMA.

Also:

H. J. R. 23. NAMING HIGHWAY 144 IN SAINT CLAIR COUNTY, ALABAMA, THE "POP DICKINSON HIGHWAY."

Also:

H. J. R. 25. HONORING PAUL WESTERFIELD BRUNSON UPON HIS RETIREMENT AS JUDGE OF THE DISTRICT COURT OF MOBILE COUNTY.

Also:

H. J. R. 27. REQUESTING THE GOVERNOR TO ESTABLISH A TASK FORCE FOR THE PURPOSE OF FORMULATING RECOMMENDATIONS FOR THE USE OF EXISTING RESOURCES TO REDUCE INAPPROPRIATE TEENAGE PREGNANCIES IN ALABAMA.

Also:

H. J. R. 28. CALL FOR AN INVESTIGATION BY THE OFFICE OF MANAGEMENT AND BUDGET INTO THE COST EFFECTIVENESS OF HSA'S.

Also:

H. J. R. 30. HONORING COMMUNITY EDUCATION.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 9. To provide increased criminal penalties and to remove juvenile offender status for certain persons convicted of committing certain crimes against elderly citizens.

Was taken up.

AMENDMENT OFFERED

Rep. Patton offered the following amendment to the bill, H. 9:

Amend H. B. 9, page 2, Section 4, line 15 after the word "Act" by striking the word "shall" and adding in lieu thereof the word "may".

MOTION TO POSTPONE TABLED

On motion of Rep. Sasser, the motion offered by Rep. Smith (J) to postpone consideration of the bill, H. 9, with pending amendment, to the fourth legislative day, was tabled.

Yeas 51; Nays 29.

Yeas:

Mr. Speaker, Adams (H), Bennett, Biddle, Blake, Cabaniss, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Dial, Drinkard, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Johnson (R. G.), Laird, McKee, Manley, Minus, Moore, Olive, Owens, Parker, Pegues, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

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Nays:

Reps.: Albright, Barton, Bedsole, Bowling, Buskey, Clark (W), Crow, Daniels, Dixon, Edwards, Escott, Gregg, Harrison, Hines, Johnson (Roy), Kelley, Kennedy, Langford, Letson, Mitchell, Nevett, Patton, Payne, Rains, Riddick, Roberts, Smith (J), Stewart and Stout.

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AMENDMENT TABLED

The question was then on the amendment offered by Rep. Patton to the bill, H. 9, and on motion of Rep. Sasser, the amendment was tabled.

Yeas 49; Nays 25.

Yeas:

Mr. Speaker, Adams (C), Amari, Bennett, Biddle, Brakefield, Cabaniss, Carothers, Carter, Clark (G), Cobb, Coburn, Cosby, Daniels, Dial, Drinkard, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Harper (T), Holmes, Johnson (R. G.), Laird, McKee, Manley, Minus, Moore, Olive, Owens, Parker, Pegues, Sasser, Shoemaker, Smith (M), Starkey, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

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Nays:

Reps.: Albright, Bedsole, Buskey, Cheatwood, Clark (W), Dixon, Escott, Harrison, Hines, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, Mitchell, Nevett, Patton, Payne, Riddick, Smith (J), Stewart and Stout.

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MOTION TO ADJOURN LOST

The motion offered by Rep. Ford that the House adjourn until 11:00 o'clock a.m., Thursday, February 12, 1981, was lost.

Yeas 24; Nays 42.

Yeas:

Reps.: Boles, Brakefield, Buskey, Carter, Clark (G), Cobb, Escott, Ford, Harper (T), Harrison, Horn, Johnson (Roy), Kennedy, Langford, Letson, Manley, Minus, Mitchell, Moore, Nevett, Roberts, Smith (J), Trammell and Turner.

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Nays:

Mr. Speaker, Adams (C), Albright, Amari, Bedsole, Bennett, Biddle, Cabaniss, Carothers, Clark (W), Cosby, Crow, Daniels, Dial, Dixon, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Hines, Holmes, Johnson (R. G.), Lewis, McKee, Olive, Payne, Pegues, Riddick, Shoemaker, Starkey, Stewart, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

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H. 9 RESUMED

AMENDMENT OFFERED

Rep. Rains offered the following amendment to the bill, H. 9:

Amend House Bill 9 in the Synopsis, Line 13, after the word "citizen" by striking the period and adding the blind and other severely physically and mentally handicapped.

Further amend the bill in the Title, Line 22, after the word "citizens" by striking the period and adding the blind and other severely physically and mentally handicapped.

Further amend the bill in Section 2, Page 1, Line 30, after the word "older" by adding the blind and other severely physically and mentally handicapped.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Biddle, Boles, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Parker, Payne, Pegues, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

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AMENDMENT OFFERED

Rep. Buskey offered the following amendment to the bill, H. 9 as amended:

Amend House Bill 9 on line 32 by striking the words theft of property,

AMENDMENT TABLED

On motion of Rep. Sasser, the amendment offered by Rep. Buskey to the bill, H. 9 as amended, was tabled.

Yeas 59; Nays 20.

Yeas:

Mr. Speaker, Adams (C), Amari, Bennett, Biddle, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Holmes, Johnson (R. G.),

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Kelley, Laird, Letson, McKee, Manley, Minus, Moore, Olive, Owens, Parker, Pegues, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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Nays:

Reps.: Barton, Bedsole, Buskey, Cheatwood, Escott, Harper (T), Harrison, Hines, Horn, Johnson (Roy), Kennedy, Langford, McMillan, Mitchell, Nevett, Patton, Payne, Riddick, Smith (J), and Stewart.

—20

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 48. NAMING THE LAKE NOW KNOWN AS BIBB COUNTY LAKE THE "WALTER OWENS LAKE."

McDOWELL LEE,
Secretary.

H. 9 RESUMED

And the bill:

H. 9. To provide increased criminal penalties and to remove juvenile offender status for certain persons convicted of committing certain crimes against elderly citizens the blind and other severely physically handicapped and mentally handicapped.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 31.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Bennett, Biddle, Brakefield, Cabaniss, Carothers, Carter, Cates, Cobb, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holmes, Howard, Johnson (R. G.), Laird, McKee, Manley, Minus, Naramore, Olive, Owens, Parker, Pegues, Rains, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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Nays:

Reps.: Bedsole, Boles, Buskey, Clark (G), Clark (W), Coburn, Daniels, Dixon, Escott, Hammett, Harrison, Hines, Holley, Horn, Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McMillan, Mitchell, Nevett, Patton, Payne, Penry, Reed, Riddick, Smith (J), Stewart and Stout.

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RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. J. R. 58. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held in the House Chamber at 2:00 p.m. on Tuesday, February 17, 1981, for the purpose of hearing the presentation by the Governor and his consultants on the Retirement Systems of Alabama.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 58, was adopted.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:45 P.M. on February 10, 1981.

H. J. R. 6

H. J. R. 7

H. J. R. 8

H. J. R. 11

H. J. R. 16

H. J. R. 17

H. J. R. 18

H. J. R. 21

H. J. R. 22

H. J. R. 23

H. J. R. 25

H. J. R. 27

H. J. R. 28

H. J. R. 30

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Roberts, and pursuant to the resolution, H. R. 32, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Thursday, February 12, 1981.

FOURTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 12, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend James Sidney Lock, Dalraida United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

JACK BIDDLE,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the third legislative day was approved.

LEAVES OF ABSENCE

At the request of Rep. Hall, leave of absence was granted for Rep. Gregg.

At the request of Rep. Cabaniss, leave of absence was granted for Rep. Seibels, due to illness.

At the request of Rep. Manley, leave of absence was granted for Rep. Shavers, due to illness.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 59. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, February 12, we adjourn to meet again on Tuesday, February 17, 1981, at 1:30 p. m.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 59, was adopted.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 41. (With Substitute): To provide for the recovery by the State of Alabama of the interest, penalties and legal expenses in connection with excess payments made to health care providers under the Medicaid Program; to provide for the distribution of said money, and to set a date for limitation of action.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 43. To specifically exempt certain drugs from any state gross sales taxes; to define such drugs.

H. 58. To amend Section 31-2-89, Code of Alabama 1975, which bars actions or proceedings against members of the national guard for acts done in the discharge of military duty, so as to provide for conditions under which indemnification by the state shall be available to such persons.

H. 128. To amend the title and sections 1, 2, 6 and 7 of Act No. 80-739, S. 403, of the 1980 Regular Session now appearing as sections 40-17-160 through 40-17-166 of the Code of Alabama 1975 relating to the use of liquefied petroleum gas in certain motor vehicles, so as to provide further for the use of liquefied petroleum gas and natural gas in such vehicles, provide further for decals to be placed on such vehicles, provide certain exemptions from taxation of such gas, and to provide further for penalties for the violation of the provisions of the act.

H. 151. To amend Section 4-2-31, Code of Alabama 1975, which relates to the organization of the Aeronautics Commission, so as to change the provision for monthly meetings to quarterly meetings.

H. 180. To make an additional appropriation to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund, for salaries and certain other expenses for the fiscal year ending September 30, 1981.

H. 196. To provide that any annually appropriated funds allocated to local boards of education, except funds specified to be spent for personnel salaries, may be transferred between and among line items, provided that such transfer shall not exceed twenty (20) percent of the amount appropriated for each line item and to further provide that such limitation shall not apply during years in which proration is declared.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 227. (With Amendment): To amend Section 40-5-9 of the Code of Alabama 1975, relating to ad valorem taxation so as to provide a ten percent (10%) penalty for the delinquent payment of same and to increase the interest due thereon.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 297. To define capital offenses; to provide for a sentence of life imprisonment without parole or death as punishment for capital offenses; to provide for the trial of capital offenses; to provide for sentence proceedings to be conducted following a conviction for a capital offense; to provide for appellate review of convictions and sentences in cases in which defendants are sentenced to death; to provide for the Alabama Supreme Court to promulgate pattern indictment forms, verdict forms, and jury instructions for use in cases tried under this act; to provide for the manner in which the act is to be interpreted and if necessary re-interpreted; to provide for severability; to specify the way the act is to be applied if the death penalty provisions of it are declared unconstitutional and cannot be re-interpreted to provide a constitutional death penalty; to specify the conduct to which the act applies; to repeal Code of Alabama 1975, § 13-11-1 through § 13-11-9, also codified as § 13A-5-30 through § 13A-5-38 (the existing death penalty statute), and any other laws or parts of laws in conflict herewith; and to provide an effective date.

H. 369. To authorize county governing bodies to grant the tax assessor authority to assess taxes from October 1 to September 30 of each tax year.

H. 85. To amend Section 8-8-10 of the Code of Alabama 1975, relating to interest on money judgments and costs, so as to further provide for the rate of interest on money judgments and costs.

H. 75. To provide further for the appointment and compensation of counsel for indigent defendants in the courts of this state; providing that the trial court judge shall utilize an affidavit of substantial hardship on a form prescribed by the supreme court in determining the fact of indigency; providing that the affidavit of substantial hardship shall become a part of the court record; providing that the compensation to be paid court appointed counsel shall be computed at the rate of \$20.00 per hour for time reasonably expended out of court and \$40.00 per hour for time expended in court; providing that the total fees awarded to any one attorney shall not exceed \$1,000.00 in cases in the trial courts, \$1,000.00 in cases appealed to the supreme court or court of criminal appeals, and \$600.00 in post conviction proceedings; providing that a convicted defendant may be required to reimburse the state for the fees of

counsel appointed to represent him; further providing that monies collected from a convicted defendant for the fees of court appointed counsel shall be paid into the fair trial tax fund; and to amend §§ 15-12-5, 15-12-21, 15-12-22 and 15-12-23, Code of Alabama 1975.

H. 74. To provide for an additional \$3.00 fee to be charged on each and every quasi-criminal, criminal case and civil action docketed in the courts of the state; to provide that said fee shall be charged and collected as other costs; to provide that all receipts from said \$3.00 fee shall be paid into the "Fair Trial Tax Fund" and shall be in addition to all amounts presently paid into said fund; and to further provide that all receipts from this additional fee collected in the municipal courts shall be distributed in accordance with Section 12-19-251.1, Code of Alabama 1975.

H. 323. To amend section 13A-10-8, Code of Alabama 1975, dealing with the crime of rendering a false alarm of fire or other emergency involving danger to life or property, so as to enlarge the scope of the criminal activity therein proscribed and increase the penalty for such newly proscribed criminal activity.

H. 394. To provide for and set penalties for anyone threatening death or bodily harm to any elected or constitutional official of the State of Alabama or any elected official of any municipal, county, or political subdivision thereof, or conspiring with another to threaten death or bodily harm to any elected or constitutional official of the State of Alabama.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 18. To limit the amount that charitable organizations may pay to professional solicitors to a percentage of the total monies received by said organizations.

H. 126. To amend Section 36-29-2 of the Code of Alabama 1975 relating to the state employees' insurance board so as to further provide for the state employee members of the board.

H. 183. To amend Section 13-6-157 of the Code of Alabama 1975 which regulates sales of pistols in this state so as to provide further for such regulation.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 331. (With Substitute): To require that any facility for the care of any person under 19 years of age which has been established by a church, denomination, or association of churches to guide such persons in public worship, provide religious instruction, and promote character development, shall give notice of intent to operate to the appropriate fire and health departments so that said facilities may be inspected in accordance with state and local fire and environmental health regulations for such facilities and to further provide an exemption from the provisions of Title 38, Chapter 7, Section 2, Subsection 8, Code of Alabama 1975 under certain conditions.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 333. To give permanent status in the classified service under the Merit System Act to all persons employed under provisional appointments as Capitol Security Police Officers in the Department of Finance of the State of Alabama between the dates of June 13, 1979, and July 23, 1980, inclusive, who performed their duties satisfactorily during the period of their employment and to permit the director of finance to condition appointments made hereunder to the satisfactory completion of a six-month working test period and to make such appointments effective immediately after the completion of the working test period.

H. 347. To amend Section 21-7-4, Code of Alabama 1975, relating to the right of blind persons to be accompanied by a guide dog, so as to extend said right to persons using a hearing dog.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 276. (With Substitute): To amend Section 41-16-51, Code of Alabama 1975, which provides that certain contracts are exempt from the competitive bid law, so as to exclude insurance contracts from this exemption.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 409. To create and establish a state land resources information center within the Legislative Fiscal Office; to prescribe certain data and information to be compiled by such center and to provide for the administration of such center.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 254. To require the chief administrative official of each hospital to report to the Alabama State Board of Medical Examiners any disciplinary action taken concerning any physician when such action is related to professional ethics, medical incompetence, moral turpitude, or drug or alcohol abuse; to define disciplinary action; to require the report to be in writing and made within sixty (60) days of the date of the action; to require any professional society of physicians which takes formal disciplinary action against a member to report such action to the Alabama State Board of Medical Examiners when the action taken is related to professional ethics, medical incompetence, moral turpitude or drug or alcohol abuse; to require the report to be in writing and made within sixty (60) days of the action; to provide that any report made pursuant to this act shall be privileged from discovery; and to provide that the individual making the report shall be immune from liability.

H. 216. Relating to the manufacture of prescription drugs requiring the identification of drug products; providing for an exemption in the case of hardship; providing for the disclosure of descriptive information; providing for the adoption of rules; providing for an exemption for drug products compounded by a pharmacist in a pharmacy; providing an effective date.

H. 175. To allow persons seventeen years of age or older to donate blood without parental permission.

H. 192. To delete the requirement that physicians be certified in the subspecialty of oncology to dispense cannabis under the Controlled Substances Therapeutic Research Act; to provide that the State Board of Medical Examiners may apply to contract with the National Institute of Drug Abuse for receipt of cannabis; to provide that the Board may formulate and promulgate such guidelines as are necessary for dispensing cannabis; and to provide that the Board may establish the rules and regulations requiring accurate reporting and accountability by each practitioner.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 218. (With Amendment): To amend several sections of present law relating to public health. The sections amended include 22-11-1, 22-11-2, 22-11-3, 22-11-4, 22-11-5, 22-11-6, 22-11-7, 22-11-8, 22-11-12, 22-11-13, 22-11-14, 22-11-15, 22-11-16, 22-12-3, 22-12-4, 22-20-2, Code of Alabama, 1975, relating to notifiable diseases, and repeals Section 22-13-12, Code of Alabama, 1975, relating to cancer treatment reports.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 404. To amend Sections 36-26-16 and 36-26-17 of the Code of Alabama 1975 relating to the manner of filling vacancies and making appointments in the classified service including handicapped persons, so as to prescribe further the number of names of eligible persons to be certified.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 335. This bill amends section 17-16-43(b) to provide that any political party which chooses to nominate its candidates by a mass meeting must do so on or before the first primary date.

H. 259. To prohibit the state, or any county, municipality or other political subdivision thereof, or any public authority or entity which is authorized to issue bonds in this state, from issuing any bond which is exempt from the payment of state or local sales, use or ad valorem taxes if the issuance of such bond is for the purpose of constructing, repairing or otherwise developing any establishment, project or enterprise which is engaged primarily in the business of retail sales of products or services to the general public, any provision of law to the contrary notwithstanding.

H. 260. To require every bond issued by the state, or any county, municipality or other political subdivision of the state, or by any other public authority which is authorized to issue bonds in this state, to be reported to the state securities commission.

H. 261. To propose an amendment to the Constitution of Alabama of 1901, to prohibit the state, counties, municipalities or other public bonding authorities in this state from issuing tax exempt bonds for the construction or development of any establishment engaged primarily in retail sales of products or services to the general public.

The above bill was read a second time at length as required by the Constitution.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 262. (With Amendment): To provide that any bond issued by the state or any county, city or other political subdivision thereof, or any other public authority authorized to issue bonds in this state, which grants an exemption from state or local ad valorem taxation pursuant to any such bond issue, shall cease to have such exemption after a 10-year period.

Rep. Gilmer, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 61. To authorize the Alabama Department of Public Safety to implement a program of public service announcements to promote motorist awareness concerning the increasing number of motorcyclists.

H. 230. To amend Section 32-5A-215, Code of Alabama 1975, dealing with pedestrians on roadways so as to prohibit any person from fishing from a bridge, viaduct or trestle, or the approaches thereto, within the state of Alabama.

Rep. Gilmer, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 246. (With Amendment): To require that children under the age of four use a passenger restraint system in certain instances; to provide penalties for violation of the act.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 55. NAMING THE ARMY NATIONAL GUARD ARMORY, LOCATED AT THE INTERSECTION OF AIRPORT AND STEEL STATION ROADS IN GADSDEN, ETOWAH COUNTY, ALABAMA, THE "CLARENCE F. RHEA ARMORY."

On motion of Rep. Boles, the resolution, H. J. R. 55, was adopted.

CO-SPONSORS ADDED

Reps. Dial and Barton were added as co-sponsors to the resolution, H. J. R. 55.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Clark (G):

H. 418. To amend Section 27-15-11, Code of Alabama, 1975, which relates to the reinstatement of lapsed life insurance policies, so as to make the maximum interest rate on amounts of overdue premiums and other indebtedness to the insurer, payable upon reinstatement, the same as the interest rate on policy loans as specified in the policy in accordance with Section 27-15-8, Code of Alabama, 1975.

Judiciary.

By Rep. Sandusky:

H. 419. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

Highway Safety.

By Rep. Gilmer (With Notice and Proof):

H. 420. Relating to Fayette County; to provide further for the compensation of certain election officers.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 420, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carothers, Grimsley and Daniels (With Notice and Proof):

H. 421. To create the office of license commissioner in Houston County; to provide for his appointment; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 421, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bowling, Cooley, Payne, Naramore, Brakefield, Smith (J), Letson, Harvey, Turner, Dixon, Grouby and Cosby:

H. 422. To permit garnishment of up to forty percent (40%) of wages for child support and to make technical procedural changes.

State Administration.

By Reps. Bowling, Cooley, Ford, Payne, Naramore, Brakefield, Smith (J), Letson, Harvey, Turner, Dixon, Grouby and Cosby:

H. 423. To Amend Section 26-12-7, of the Code of Alabama 1975, so as to change the time limitation within which proceedings may be brought under this Act.

State Administration.

By Reps. Adams (C), Riddick and Roberts:

H. 424. To amend sections 41-5-14 and 16-11-22, Code of Alabama 1975, relating to audits of city boards of education, so as to provide further for such audits by the department of examiners of public accounts at state expense.

Ways and Means.

By Reps. Adams (C), Riddick and Roberts:

H. 425. To prescribe the time within which a prosecution under the competitive bid laws must be commenced.

State Administration.

By Rep. Willis:

H. 426. To amend § 33-5-17, Code of Alabama 1975, so as to increase boat registration fees.

Natural Resources.

By Rep. Willis:

H. 427. To limit the liability of landowners toward persons who may be upon those lands that the owners have made available for non-commercial outdoor recreational purposes.

Natural Resources.

By Rep. Willis:

H. 428. To prohibit the transfer of title or interest in real property to or from any state department, agency, board or institution unless it shows on the face of the deed or other document effecting such transfer that it has been recorded in the office of the land agent, Department of Conservation and Natural Resources.

Natural Resources.

By Rep. Willis:

H. 429. To provide for the appointment of the director of the state parks division by the Advisory Board of the Department of Conservation and Natural Resources.

Natural Resources.

By Rep. Albright:

H. 430. To provide that the fire fighters of any municipality may by the election provided for in this Act designate a bargaining agent to represent them in respect to the wages the municipality employing them pays to them as fire fighters and in respect to other conditions of their employment; to provide the procedure for elections to be called and held under this Act, including the elections to certify a bargaining agent and elections to decertify a bargaining agent; to provide for collective bargaining proceedings to be instituted by the bargaining agent for the fire fighters or the officer, commission or board empowered to establish wages for the fire fighters; to authorize the Director of Labor to establish rules and regulations governing the call of, notice of and conduct of elections held hereunder; to provide for a procedure for binding arbitration; to provide for the appointment of arbitrators and define said arbitrators' jurisdiction and authority; to provide that the arbitrators' decision shall be binding upon all parties; and to provide for the enforcement of such decision by the circuit court and to provide for penalties; and to provide that this Act shall be known as the "Fire Fighters' Employee-Employer Relations Act," and that the provisions thereof are supplementary to and shall be construed in *pari materia* with Act No. 229, H. 146 (Acts 1967, p. 598).

Business and Labor.

By Rep. Albright:

H. 431. To amend Section 16-13-52, Code of Alabama, 1975, relating to the determination of the number of teacher units allowed, so as to prescribe that the basis for determining teacher units be changed from average daily attendance to average daily enrollment; to reduce the ratio of students per teacher unit from 28 to 25; to provide for additional support units in the ratio of 1 for each 10 earned teacher units; and to repeal and supersede conflicting laws or parts of laws.

Ways and Means.

By Rep. Albright:

H. 432. To require posting of vacancy notices by educational employing boards and institutions.

Education.

By Rep. Albright:

H. 433. To require local school boards to provide professional leave for workshops and related conferences and conventions.

Ways and Means.

By Rep. Albright:

H. 434. Proposing an amendment to the Constitution of Alabama to repeal Amendment 373 relating to property taxes in Alabama.

Ways and Means.

The above bill was read a first time at length as required by the Constitution.

By Reps. Carter and Roberts:

H. 435. To amend Section 9-2-7, Code of Alabama 1975, which provides for powers and duties of the Commissioner of Conservation as to game, fish and seafood generally, so as to empower the commissioner to issue no more than 25 special permits for the purpose of promoting Alabama's outdoor recreation.

Natural Resources.

By Rep. Laird:

H. 436. To amend Section 25-4-12 relating to the Alabama Unemployment Compensation Act by limiting expenditures from the "Special Employment Security Administration Fund" to \$50,000.00 in any fiscal year; and by requiring that all interest and penalty funds in the clearing account in excess of the amount being transferred to the "Special Employment Security Administration Fund" be transferred to the Unemployment Compensation Trust Fund; and by requiring that any balance in the "Special Employment Security Administration Fund" on June 30, 1981, in excess of \$50,000.00 shall be transferred promptly to the Unemployment Compensation Trust Fund.

State Administration.

By Rep. Laird:

H. 437. To amend Section 25-4-54, Section 25-4-72, Section 25-4-75, 25-4-77 and 25-4-78 relating to the Alabama Unemployment Compensation Act by establishing a "solvency minimum amount" and requiring that when the Trust Fund balance is below this amount at the end of any fiscal year all employer tax rates that are computed under the experience rating plan will be increased by 0.5% and the maximum employer tax rate will be increased to 4.5%; by increasing all experience rated employer tax rates for the last two quarters of calendar year 1981 by 0.5% and by increasing the maximum tax rate for the same period to 4.5%; by basing a claimant's weekly benefit amount on his average earnings in the two high quarters of his base period; by increasing the maximum weekly benefit amount to \$100.00 effective July 1, 1981, and to \$111.00 effective January 1, 1982, and by raising the minimum weekly benefit amount to \$28.00 and increasing the minimum qualifying amount effective July 1, 1981, by use of a table for computing weekly benefit amounts; by providing a waiting week for claimants; by limiting payment of extended benefits if the claimant has not served a waiting period on his regular claim for voluntarily leaving, or misconduct, or refusal of suitable work, or has not made an effort to find work; by repealing the provision that limits disqualification to the "most recent bona fide employment"; by changing the penalty for a disqualification involving a voluntary quit or discharge for misconduct after warning by providing for disqualification for the duration of unemployment and cancelling 75% of the benefits; by eliminating most non-charging of benefit wages to employers' experience rating accounts; by changing the penalty for discharge for misconduct until the claimant has re-entered employment and cancelling 6 to 10 weeks of benefits instead of 2 to 6; by changing the penalty for disciplinary suspension

from a maximum of 4 weeks to a maximum of 10 weeks; by redefining suitable work so that the length of unemployment will determine the suitability of a wage offer and so as to provide for consideration of reassignment just prior to the claimant's establishing a benefit year; and by changing the penalty for refusing suitable work to a disqualification until the claimant has re-entered employment and worked for 10 weeks in each of which he was paid wages as much as his weekly benefit amount; and, by providing for the deduction of $\frac{1}{2}$ of primary social security benefits and $\frac{1}{2}$ of railroad retirement benefits from the claimant's unemployment benefits.

Ways and Means.

By Reps. Sasser and Williams (With Notice and Proof):

H. 438. To authorize the Dale County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 438, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Drinkard, Venable, Boles, Grouby, Rains, Crow, Wyatt, Bennett, Ford, Albright, Harvey, Blake, Barton, Langford and McKee:

H. 439. To provide that upon the death of a state employee his beneficiary shall be entitled to a payment of one-half of his accrued sick leave.

Ways and Means.

By Rep. Sandusky:

H. 440. To provide that any person who violates the vehicle load limitations as prescribed in Section 32-9-20 of the Code of Alabama 1975, as amended, shall be conclusively presumed to have damaged the public roads; to establish a schedule of damages to be assessed against such person; to provide a schedule of damages to be assessed against any person operating under a permit authorized by Section 32-9-29 of the Code of Alabama 1975, as amended, who exceeds the limits allowed by such permit; to provide that the proceeds of such damages shall be credited to the public road and bridge fund to be expended in accordance with the provisions of Section 40-17-78 of the Code of Alabama 1975, by the State Highway Department or political subdivision having the responsibility of maintaining the road on which the violation occurred; to provide for administrative hearing; to provide for appeal to the Circuit Court; and to provide penalties for violation of the provisions of this act.

State Administration.

By Rep. Sandusky:

H. 441. To amend Section 32-9-31 of the Code of Alabama 1975, relating to the procedure for measuring and weighing vehicles so as to provide further for such procedure.

State Administration.

By Rep. Sandusky:

H. 442. To provide that no commercial enterprise or activity shall be maintained, constructed, or located within the right-of-way limits of any highway or bridge on the state highway system whether temporary or permanent, stationary or portable, except utility structures authorized by permit issued by the state highway department; to further provide the penalty for violations.

Highway Safety.

By Reps. Starkey and Greer (With Notice and Proof):

H. 443. Relating to the Eleventh Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies or upon appeals to the circuit courts from lower courts.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 443, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Langford, Smith (C), Wyatt, McKee, Warren, Grouby, Daniels, Edwards, Venable, Dixon, Holmes and Holley:

H. 444. To amend section 2-3-20, Code of Alabama 1975; to provide for regional terminal market facilities in any Class 3 municipality for the efficient handling and sale of agricultural and agriculture related products; to create a certain farmers' market committee to advise on matters pertaining to such facilities; to prescribe the composition of such committee and the terms, duties, meeting regulations and compensation of its membership; to prescribe punishment for violators of those regulations adopted pursuant to this act; to make appropriation from the general fund to carry out the provisions of this act; to provide for employing necessary personnel; to provide for the establishment of a farmers' market revolving fund; and to prescribe penalties for violation.

Ways and Means.

By Reps. Johnson (R. G.), Penry, Daniels and Bedsole:

H. 445. To eliminate inclusion by the Alabama Public Service Commission of Construction Work-In-Progress in the reasonable value of property devoted to public utility service by an electric utility regulated by the Alabama Public Service Commission, to provide that no Allowance for Funds Used During Construction shall be added to or otherwise made a part of the cost of any plant placed in service by such electric utility after the effective date of this Act in determining the reasonable value of such property upon which such electric utility may earn a fair net return, and to provide for the repeal of all laws or parts of laws which conflict with the provisions of this Act.

Commerce, Transportation and Utilities.

By Reps. Penry, Daniels and Johnson (R. G.):

H. 446. To provide for limitations on the amount of salaries and other compensation paid to executive and other officers of electric utilities regulated by the Alabama Public Service Commission in determining the net

return earned by such electric utility for the purpose of determining reasonableness of electric rates, and to provide for the repeal of all laws or parts of laws which conflict with the provision of this Act.

Commerce, Transportation and Utilities.

By Rep. Penry:

H. 447. To require every railroad conductor and engineer who operates a train in this state to carry on his person a qualification permit while on duty in train service.

Commerce, Transportation and Utilities.

By Rep. Owens:

H. 448. To make further appropriations of state funds for the fiscal year ending September 30, 1981.

Ways and Means.

By Rep. Tucker:

H. 449. To amend Section 6-10-123 of the Code of Alabama 1975 to provide that for any waiver of exemption rights to be enforceable, the party asserting waiver must plead and, if controverted, prove to the reasonable satisfaction of the trier of fact that the party against whom waiver is asserted did so with actual knowledge of their exemption rights and of the existence of any provision for waiver contained in the instrument relied upon by the party asserting waiver, prior to his or her execution thereof.

Judiciary.

By Rep. Tucker:

H. 450. Requiring that for any disclaimer of an implied warranty under Section 7-2-316(3)(a) of the Code of Alabama (1975) to be enforceable, the language used in connection therewith must be conspicuously printed.

Judiciary.

By Rep. Tucker:

H. 451. To repeal Section 12-12-73 of the Code of Alabama (1975), which presently appears to require a supersedeas bond in order to appeal from District Court to Circuit Court and thereby obtain a trial by jury.

Judiciary.

By Reps. Zoghby, Smith (M), Escott, Bedsole, Ward, Harper (T), Bennett, Harrison and Reed:

H. 452. To provide for domestic violence shelters to grant relief from family violence disturbances; to prescribe the duties, responsibilities and powers of each regional mental health facility and the department of mental health relating to administering the provisions of this Act; to provide for certification, process, contracting and certain funding for facilities and programs which provide service for victims of domestic violence; to authorize each regional facility to formulate and conduct certain research, evaluation and educational programs related thereto within its jurisdiction or community; to empower the said regional facilities to enlist the assistance of certain public, voluntary and state agencies; to authorize contracting for services or

shelter; to prescribe that the regional facilities and the department shall make certain reports; to provide certain matching funds for qualified applicants for contracting services or shelter, and to establish eligibility and standards therefor; to prescribe that certain information shall be confidential; and to increase marriage license fees for purposes of funding the provisions of this Act.

Public Welfare.

By Rep. Turner:

H. 453. To prescribe certain rules and regulations to be implemented by the state department of agriculture and industries for the purpose of controlling the spread of equine infectious anemia in the horse population of this state and to prescribe penalty for violations of such rules and regulations.

Agriculture and Forestry.

By Reps. Bedsole and Johnson (R. G.):

H. 454. To require the state Medicaid Agency to pay certain late fees in instances where the agency does not pay its debts on time.

Ways and Means.

By Reps. Payne, Minus and Cosby:

H. 455. To amend Section 32-5A-245, Code of Alabama 1975, which relates to the requirement that operators and passengers of motorcycles must wear shoes and helmets, so as to limit the helmet requirement to those under the age of 21 years.

Highway Safety.

By Rep. Payne:

H. 456. To exempt the Alabama Federation of Women's Clubs from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Reps. Bedsole, Kennedy and Zoghby:

H. 457. To amend Sections 43-3-7 and 43-3-8 of the Code of Alabama 1975, relating to inheritance laws regarding illegitimate children and their fathers, so that each party may inherit from one another.

State Administration.

By Rep. Bedsole:

H. 458. To declare the legislature's intent that all schools receiving funds under Title 1 of the Elementary and Secondary Education Act (P. L. 95-561) in Alabama take advantage of the 100% federal funding available for school breakfast programs, the legislature's concern for school nutrition programs, provides for the establishment of a school breakfast program in all Title 1 schools, provides for the promulgation by the State Department of Education of appropriate rules for administration of this act, and establishes measures to ensure outreach and compliance with the act.

Education.

By Reps. Boles, Smith (J), Olive, Howard, Horn, Escott, Greer, Goodwin and Brakefield:

H. 459. To require that before a license is issued for a hazardous waste site, the state health department and the health department of the county where the site will be located shall each approve the site.

Health.

By Reps. Boles, Smith (J), Olive, Howard, Horn, Escott, Greer, Goodwin and Brakefield:

H. 460. To require approval of the county commission before a hazardous waste site shall be located and operated in a county; and to give the county the authority to inspect vehicles transporting such waste within the county.

Health.

By Reps. Boles and Cosby:

H. 461. To require the water works board of any municipality within the state to post a certain water fluoridation personal injury liability bond prior to fluoridating the water in said city and to prescribe penalty for failure to post such bond prior to fluoridation of the water supply.

Health.

By Reps. Boles, Olive and Howard:

H. 462. To require a bill of lading identifying the weight of goods being shipped on any truck or truck and trailer of one ton or more to be in possession of the driver of such vehicle during the shipment of such goods to be presented upon demand by any law enforcement officer of the state of Alabama on any highway or road within the state and to prescribe a fine violation of such vehicle being overweight.

State Administration.

By Reps. Boles and Trammell:

H. 463. To provide for a special Automotive Consumer Protection Fund to be administered by the attorney general's office for adjusting certain consumer claims arising from certain defects in new American-made cars and trucks and to prescribe procedure for such administration.

Ways and Means.

By Reps. Boles, Payne, Trammell, Mitchell, Cooley, Harvey, Kelley, Rains, Letson, Patton, Brakefield, Stout, Riddick, Cobb, Drinkard, Hall, Shoemaker, Harper (O), Reed, Laird, Grimsley, Warren, Stewart and Edwards:

H. 464. To provide for the issuance of distinctive license plates to the recipients of the Medal of Honor.

State Administration.

By Rep. Payne:

H. 465. To further amend Section 11-41-1, Code of Alabama 1975, relating to the incorporation of a municipality, so as to change the requirements for population.

Local Government.

By Reps. Biddle, Manley, Sasser, Waggoner and Owens:

H. 466. To provide for the levy of a sales tax on automotive vehicles, truck trailers, semitrailers, and house trailers purchased from anyone not regularly engaged in selling automotive vehicles, truck trailers, semitrailers, and house trailers within the State of Alabama and to require that the Judge of Probate or other licensing authority collect the tax from the purchaser before transfer of ownership or title. To provide that a tax be collected by the Judge of Probate or other licensing authority in lieu of the excise or use tax levied by §40-23-61(c), Code of Alabama 1975, as amended, on all automotive vehicles, truck trailers, semitrailers, and house trailers purchased from out of state regardless of whether the seller is or is not regularly engaged in selling automotive vehicles, truck trailers, semitrailers, and house trailers; tax to be collected when the unit is first offered for registration in this state and before the license plates are issued; provides for the distribution of the tax collected; provides for reciprocity.

Ways and Means.

By Rep. Greer:

H. 467. To amend §§ 33-5-11, 33-5-15 and 33-5-16 of the Code of Alabama 1975 so as to prescribe proof of ownership when applying for a certificate of registration and to increase the fee for transfer and duplicate certificates of registration.

Natural Resources.

By Rep. Campbell:

H. 468. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

Judiciary.

By Reps. Boles, Smith (J), Olive, Howard, Escott, Greer, Goodwin and Brakefield:

H. 469. To require a public hearing and referendum before a license or permit required under the Hazardous Wastes Management Act of 1978 is issued to any corporation, partnership, association or person engaging in hazardous waste disposal.

Health.

By Reps. Lewis, Bedsole and Harvey:

H. 470. To prohibit the sale or offer of sale of beer or soft drinks in glass "throw away" bottles, to provide a penalty for such activity, and to provide for an effective date of July 1, 1983.

State Administration.

By Rep. Letson:

H. 471. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

Education.

By Reps. Zoghby, Bedsole, Sandusky, Clark (W) and Kennedy:

H. 472. To amend Title 16, Section 13, Subsection 52 of the Code of Alabama, 1975 so as to provide additional teacher units.

Ways and Means.

By Reps. Smith (C), Whatley and Letson:

H. 473. To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 327 relating to the promotion of production, research and development of swine and swine products so as to provide for a change in the assessment and assessment limits to be levied for such promotion.

Agriculture and Forestry.

The above bill was read a first time at length as required by the Constitution.

By Reps. Letson, Cooley, Roberts, Blake, Shoemaker, Smith (C), Williams and Johnson (R. G.):

H. 474. To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 315 relating to the promotion of production, distribution, improvement, marketing, use and sale of soybeans and soybean products so as to provide for a change in the assessment limits to be levied for such promotion.

Agriculture and Forestry.

The above bill was read a first time at length as required by the Constitution.

By Reps. Coburn and Greer:

H. 475. To amend Section 40-6-1 which pertains to supernumerary tax collectors, tax assessors and license commissioners, so as to authorize credit for time served as a chief deputy sheriff.

Ways and Means.

By Reps. Greer, Coburn and Starkey (With Notice and Proof):

H. 476. Relating to the Town of Killen, Lauderdale County; providing for annexation to the Town of Killen.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 476, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Kennedy, Buskey, Harper (T), Escott, Turner, Clark (W), Wyatt, Warren, Boles, Howard, Tucker and Horn:

H. 477. To provide that teachers shall be paid for certain accumulated sick leave days upon retirement; also to provide for payment of this amount to the estate of teachers who die before retirement.

Ways and Means.

By Reps. Kennedy, Smith (M), Zoghby, Carothers, Grimsley, Harper (T), Warren, McMillan, Stewart, Clark (W), Buskey, Turner, Howard, Tucker, Escott, Horn and Holmes:

H. 478. To amend Section 36-26-17 of the Code of Alabama, 1975, so as to increase the number of eligibles an appointing authority may have to consider in filling vacancies by appointment from eligible registers.

State Administration.

By Reps. Cobb, Payne, Cates, Warren and McCorquodale:

H. 479. To prevent a public hospital from granting extra compensation to any officer or employee of the hospital or any contractor from receiving extra compensation after a service has been rendered or a contract made and to prevent an increase or decrease a compensation of officers during a term of office; nor shall a public hospital have authority to lend its credit or grant public money or thing of value to any individual, association, corporation, official or employee.

State Administration.

By Rep. Holmes:

H. 480. To provide that each year the second Monday in January shall be deemed a state holiday in memory of Doctor Martin Luther King's birthday which is January 15th.

Ways and Means.

By Rep. Bedsole:

H. 481. To provide for health insurance claim forms; requiring the State Insurance Commissioner to prescribe standard health insurance claim forms to be used by hospitals; requiring acceptance of such forms by insurers doing business in the State of Alabama; requiring the use of such forms by those agencies of the state which pay providers of health care for hospital and physicians' services.

Insurance.

By Reps. Payne, Patton and Hines:

H. 482. Prescribing certain procedures which shall govern the sale or leasing of any public lands belonging to the state or any of its agencies or departments.

State Administration.

By Rep. Gafford:

H. 483. To amend Section 36-17-3, Code of Alabama 1975, which relates to powers and duties of the state treasurer, so as to provide further for access to the combination to the state treasury vault, and for the signing of state warrants.

Banking.

By Rep. Gafford:

H. 484. To amend Section 36-17-16 of the Code of Alabama 1975 so as to provide further for the destruction of cancelled state warrants.

Banking.

By Rep. Gafford:

H. 485. To amend Section 41-4-60 of the Code of Alabama 1975 in order to provide further for the barring of certain claims against the state.

Banking.

By Rep. Cosby:

H. 486. To amend Section 11-43-41 of the Code of Alabama 1975, relating to the filling of vacancies in city governing bodies, so as to provide for an election to fill the vacancy if one-half or more of the term of the vacated office remains, and to fill the vacancy by appointment of the remaining members of the city governing body if less than one-half of the term of the vacated office remains.

Local Government.

By Rep. Adams (H):

H. 487. To amend Section 9-16-2 of the Code of Alabama 1975 relating to surface mining reclamation so as to exempt certain chert pits from the provisions of Article 1 of Chapter 16 of Title 9 of the Code of Alabama 1975.

Agriculture and Forestry.

By Rep. McKee:

H. 488. To require municipal corporations or any political subdivision of the State of Alabama to provide defense and indemnity for employees who may be sued for damages arising out of the performance of their official duties and while in the line of duty of their employment, and to authorize the obtaining of liability insurance to cover such employees.

State Administration.

By Reps. Manley, Pegues, Reed, Williams, Campbell, McMillan, Whatley, Letson, Adams (H), Penry, Greer, Bedsole, Smith (J), Smith (M), Warren, Willis, Carothers, Cates, Carter, Rains, Harper (T), Clark (G), Starkey, Wyatt, Harper (O), Edwards and Blake:

H. 489. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable

property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

State Administration.

By Rep. Tucker:

H. 490. To prescribe that in addition to all other requirements for a diploma or degree to be awarded by any trade school, junior college, four-year college, university or other public institution of higher learning, the matriculant must give proof that he is a qualified elector in the State of Alabama, or, if he is not, that he has been disqualified as an elector and give the reason therefor.

Education.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 33. Commending Julio Corte, Jr., Baldwin County, Cattleman of the Year.

Also:

H. J. R. 34. HONORING THE CUB SCOUTS OF AMERICA PROGRAM.

Also:

H. J. R. 41. COMMENDING JAMES ALTON LECROY OF CHILTON COUNTY AS THE ALABAMA PETROLEUM COUNCIL'S TROOPER OF THE YEAR.

Also:

H. J. R. 43. CONGRATULATING MISS KIM GILLILAND, ALABAMA'S 1981 JUNIOR MISS.

Also:

H. J. R. 44. MOURNING THE UNTIMELY AND TRAGIC DEATH OF MRS. MERRELL LOLLY RICHMOND.

Also:

H. J. R. 45. COMMENDING MR. AUBREY D. GREEN FOR OUTSTANDING SERVICE TO THE ALABAMA STATE COUNCIL ON THE ARTS AND HUMANITIES.

Also:

H. J. R. 47. MOURNING THE DEATH OF MR. GEORGE KALEEL ZOGBY.

Also:

H. J. R. 51. MOURNING THE DEATH OF MR. TILLMAN J. WRIGHT, PROMINENT BUTLER, ALABAMA BUSINESSMAN AND CIVIC LEADER.

Also:

H. J. R. 52. RECOGNIZING THE ACCOMPLISHMENTS OF THE BALLET AND THEATRE PERFORMING COMPANIES.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 48. NAMING THE LAKE NOW KNOWN AS BIBB COUNTY LAKE THE "WALTER OWENS LAKE."

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Stout and Rains:

H. J. R. 60. COMMENDING THE COUNTRY MUSIC GROUP, ALABAMA BAND.

WHEREAS, it is with deep pride and pleasure that the Alabama Legislature commends the "Alabama Band" for its success nationally in the field of country music; and

WHEREAS, the members of the group, Messrs. Randy Owens, Jeff Cook and Teddy Gentry, all natives of DeKalb County, Alabama, and Mr. Mark Herndon have brought considerable favorable attention to the State of Alabama; and

WHEREAS, the "Alabama Band" has recorded several hit records including, "My Home's In Alabama," "Tennessee River," and others which reflect on the group's background in the state; and

WHEREAS, the "Alabama Band" has appeared on many national television shows such as "The Tom Snyder Show," "The Country Music Awards" annual telecast, "Dustin City Limits" on the Public Broadcast System, and many others; and

WHEREAS, the excellent and public acceptance of the group has been illustrated by the Country Music Awards nomination of the group in 1980 as "Vocal Group of the Year" and "Instrumental Group of the Year";

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we both highly commend and heartily congratulate the "Alabama Band" on its success, and we request their appearance and performance before an informal gathering of the members of the Legislature at the convenience of the band and furthermore direct that each member of the band receive a copy of this resolution.

On motion of Rep. Stout, the rules were suspended and the resolution, H. J. R. 60, was adopted.

Also:

By Rep. Gafford:

H. J. R. 61. EXPRESSING GRATITUDE TO THE ALABAMA JOURNAL FOR ITS SUGGESTIONS REGARDING POSSIBLE SOURCES OF ADDITIONAL STATE REVENUE.

WHEREAS, in commendation, the Alabama Legislature has noted recent editorial comments of the Alabama Journal pointing out to the citizenry of this state numerous "unfair escape hatches" in the application of our present sales tax laws; and

WHEREAS, even in light of this body's reluctance, and that of the Governor, to levy any new taxes to ease the financial crises we now face, the Journal, in sagacity, suggests that the state merely apply present tax laws fairly to all goods, supplies, equipment and services; and

WHEREAS, specifically mentioned, for example, are \$2-plus million by taxing vending machine sales at the regular four percent rate instead of three; \$24 million from sales tax applied to barber and beauty shop services, laundry and cleaning and repairs to tangible property; millions more by raising sales tax on automobiles; millions also are to be had from coal and coke, ship fuel and supplies, etc., etc., ad infinitum; and

WHEREAS, in our gratitude to our Capital City's illustrious Journal, we hesitate but are compelled to also editorially comment that someone in his Washington Avenue office has somehow overlooked the escape hatch for

newspaper advertising, the sale of which is now and has always been completely and totally exempt from any sales tax whatsoever; in the Journal's own words, more "millions to be had" should of course, in all fairness, include this lucrative source; and

WHEREAS, further, we would suggest that the editorial page editor of the Alabama Journal publish this resolution on that same page so that readers might also be aware of this surely unintentional oversight; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grateful to the editors of the Alabama Journal for their advice and we assume there would be no objection to taxation of newspaper advertising sales, as the equal application of present sales tax laws suggested by the Journal would naturally necessitate removal of the present exemption.

RESOLVED FURTHER, That a copy of this resolution be sent to the Alabama Journal for the earliest possible publication.

On motion of Rep. Gafford, the rules were suspended and the resolution, H. J. R. 61, was adopted.

Also:

By Rep. Daniels:

H. J. R. 62. EXPRESSING OPPOSITION TO CERTAIN OF GOVERNOR JAMES' PROPOSED CUTS IN FUNDING.

WHEREAS, Governor Fob James has proposed to the Legislature reduced cuts in funding to various state agencies and departments including appropriations to higher education; and

WHEREAS, the Alabama Legislature is particularly concerned with reduced funding of the Agricultural Experiment Station at Auburn and the University's Extension Service; and

WHEREAS, agriculture is our state's largest industry and, as such, both employs, involves and affects more people than any other of Alabama's industries; and

WHEREAS, in supportive emphasis on the magnitude of the agricultural industry, we hereby note that gross receipts in 1979 totalled \$2,102,759,000.00 with an estimated total in 1980 also in the \$2 billion range; and

WHEREAS, these two segments of higher education, the Auburn Experiment Station and the Extension Service, provide the research, expertise and leadership necessary not only for progress and growth, but for survival of agriculture as Alabama's number one industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are emphatically opposed to any reduction whatsoever in funding allocated to the Agricultural Experiment Station and to the Auburn Extension Service for the fiscal year 1981-1982.

BE IT FURTHER RESOLVED, That Governor James be informed by copy of this resolution of the Legislature's extreme displeasure of and opposition to his proposed funding cuts as herein set forth.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Daniels offered the motion to suspend the rules and adopt the resolution, H. J. R. 62.

DIVISION OF THE QUESTION

Rep. Owens called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Daniels to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 62, and the motion was lost.

Yeas 16; Nays 24.

Yeas:

Reps.: Blake, Boles, Bowling, Cheatwood, Daniels, Gilmer, Howard, Penry, Rains, Smith (C), Smith (J), Smith (M), Turnham, Warren, Williams and Wyatt.

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Nays:

Reps.: Adams (C), Barton, Clark (G), Cooley, Cosby, Dial, Harper (T), Harvey, Holley, Johnson (Roy), Kelley, Laird, Langford, Lewis, Manley, Minus, Mitchell, Naramore, Olive, Pegues, Shoemaker, Starkey, Stewart and Turner.

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The resolution, H. J. R. 62, was read and referred to the Standing Committee on Rules.

Also:

By Rep. McCorquodale:

H. J. R. 63. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following proposed Rule Change be adopted:

The Joint Rules of the House and Senate are hereby amended by adding the following Rule:

Substitutes and Amendments to bills and resolutions, that are introduced and defeated, need not be set out in full in the Journal of the two houses but shall be referred to by vote and by contents.

On motion of Rep. Owens, the rules were suspended and the resolution, H. J. R. 63, was adopted.

Also:

By Reps. Cobb, McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin,

Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 64. MOURNING THE DEATH OF MR. RANKIN FITE, FORMER SPEAKER OF THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, the Legislature of Alabama is deeply saddened by the death of Mr. Rankin Fite of Hamilton, Marion County, Alabama, on November 6, 1980, at the age of 64; and

WHEREAS, our former colleague and a close personal friend of many in this body, Rankin Fite was a member of the Alabama Legislature for almost a quarter of a century, first elected in 1946 and serving continuously, with the exception of one term, until 1974; and

WHEREAS, Mr. Fite was the only legislator in Alabama history to have served two complete terms as Speaker of the House; he also served, during his long tenure, for one term as Speaker Pro Tem, for one term in the Alabama Senate and had been named, during his legislative career, as "most outstanding freshman Senator" and "most effective member of the House of Representatives"; and

WHEREAS, noted for his oratory, Mr. Fite was also outstandingly skilled in parliamentary procedure; exceptionally talented and extraordinary in achievement, he served his constituency and the State of Alabama with dedicated devotion and zeal; and

WHEREAS, Mr. Fite, who was an attorney by profession, was also a bank director in Marion County, a two-term member of the State Board of Education and a former member of the Alabama Oil and Gas Board; he further served as secretary of the Northwest Alabama Gas District, and for some fifteen years on the Tennessee-Tombigbee Waterway Board and as its chairman in 1963; and

WHEREAS, he graduated from the Starke University Preparatory School in Montgomery and was a graduate of the University of Alabama School of Commerce and of the University's School of Law; he was a United States Army veteran who flew 42 combat missions as a navigator during World War II; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of our friend and former colleague, Rankin Fite, and we extend our most heartfelt sympathy to all members of his family

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Alene Morris Fite, to their son, Earnest Adams Fite, and other family members that they may know of our shared sorrow in the loss of our state's most prominent citizens.

On motion of Rep. Cobb, the rules were suspended and the resolution,

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 50. DESIGNATING THE SQUARE DANCE AS THE AMERICAN FOLK DANCE OF THE STATE OF ALABAMA.

Also:

H. J. R. 55. NAMING THE ARMY NATIONAL GUARD ARMORY, LOCATED AT THE INTERSECTION OF AIRPORT AND STEEL STATION ROADS IN GADSDEN, ETOWAH COUNTY, ALABAMA, THE "CLARENCE F. RHEA ARMORY".

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 38. DENYING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 12. CREATING A CONTINUING LEGISLATIVE REVENUE PROJECTION COMMITTEE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Owens, the resolution, H. J. R. 12, with Senate amendment was indefinitely postponed, said Senate amendment being as follows:

Amend H. J. R. 12 Line 15, by striking out the word "State" on Line 23 and all words following through Line 29 and inserting in lieu thereof "The Chairman of the House Ways & Means Committee, the Chairman of the Senate Finance & Taxation Committee, 3 members of the Legislature appointed by the Speaker of the House and 3 members appointed by the Lt. Governor. Said Committee may call upon other branches of State Government if it so desires.

Amend H. J. R. 12 Page 1 Line 28, by striking out the word "and" after the word office and insert in lieu thereof a comma ","

And furthermore on line 29 strike out the period "." after the word Research.

And add the following

"and three members of the State Senate and three members of the State House of Representatives, each to be appointed by the presiding officer of each respective House."

Amend H. J. R. 12 Page 1 Line 35, by striking out the period (.) after the word "Budgets" and add the following: By reporting in writing to the legislature by the 15th legislative day of each regular session of its findings.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. deGraffenried:

S. 1. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to the appropriate Standing Committee as follows:

S. 1. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Barron:

S. J. R. 37. INVITING THE HONORABLE JOE FOSS, FORMER GOVERNOR OF THE STATE OF SOUTH DAKOTA, TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, the Legislature of Alabama has learned of the impending visit to the State of Alabama of The Honorable Joe Foss, former Governor of the State of South Dakota and Brigadier General and Chief of Staff (Retired) of the South Dakota Air National Guard; and

WHEREAS, we are most highly honored by Governor Foss visit to our state and further are most pleased that his stay in Alabama occurs during this 1981 Session of the Legislature; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully request The Honorable Joe Foss, a distinguished South Dakota citizen and recipient of the Congressional Medal of Honor, to address a Joint Session of the Alabama Legislature on February 19, 1981.

BE IT FURTHER RESOLVED, That by copy of this resolution, Governor Foss be advised of our cordial invitation and that we eagerly anticipate his acceptance.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Dixon, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 37. set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Little and Higginbotham:

S. J. R. 38. HONORING MR. TYRE C. WEAVER, JR., FOR DISTINGUISHED PUBLIC SERVICE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Laird, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 38, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. White:

S. J. R. 40. CALLING FOR IMPLEMENTATIONS OF INTERIM COMMITTEE ON MEDICAID RECOMMENDATION.

WHEREAS, Medicaid (formerly Medical Services Administration), the agency designated by the Governor of the State of Alabama to administer Title XIX (Medicaid) benefits in the State of Alabama, has limited inpatient hospitalization for all Medicaid beneficiaries to fifteen plus five days, and

WHEREAS, this limitation fails to provide essential care for neonatals in high risk nurseries as well as children below the age of twenty-one years who have undergone federally mandated screening for diagnosis and treatment, and

WHEREAS, the current limitation on inpatient hospital care denies all Medicaid beneficiaries with catastrophic illnesses the essential days of care required for their treatment, and

WHEREAS, it is the intent of the Alabama Legislature that essential care be provided all Medicaid beneficiaries, and

WHEREAS, it is especially cost effective to provide essential care for beneficiaries below the age of twenty-one years, and

WHEREAS, inpatient hospital stays are monitored for appropriateness by the state's professional standards review organization to assure Medical Services Administration that the costs of care were in fact necessary, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES CONCURRING, calls upon the Commissioner of Medicaid to amend the State Plan to provide inpatient hospital benefits necessary to accommodate essential needs of Medicaid beneficiaries and be it further

RESOLVED: That the Legislature of the State of Alabama, both Houses concurring, submits that the "Louisiana Plan," as it relates to those under the age of twenty-one, and appropriately accommodates the needs of Medicaid recipients whose illnesses require long term hospitalization.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 40, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Stout and Rains:

H. R. 65. CONGRATULATING MRS. MARILYN CARDEN FOR BEING NAMED "OUTSTANDING YOUNG EDUCATOR."

BILLS ON THIRD READING

And the bill:

H. 332. Relating to Autauga County; to provide an expense allowance for the coroner.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Campbell, Carter, Cates, Cheatwood, Cosby, Dixon, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O),

Harper (T), Hines, Horn, Laird, Lewis, McMillan, Manley, Naramore, Olive, Owens, Pegues, Reed, Starkey, Stewart, Venable, Waggoner, Ward, Whatley and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was quorum present.

And the bill:

H. 31. To amend Section 32-6-1 of the Code of Alabama 1975, relating to drivers' licenses and the renewal of such licenses, so as to prescribe that the department of public safety shall mail renewal notices to each licensee at least thirty days prior to the expiration date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dixon, Edwards, Escott, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 31:

Reps. Adams (C), Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Edwards, Escott, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Holley, Horn, Johnson (R. G.), Kelley, Laird, Langford, McKee, Minus, Moore, Naramore, Olive, Parker, Pegues, Reed, Riddick, Sandusky, Shoemaker, Smith (C), Smith (M), Stewart, Turner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 58. JOINT SESSION OF THE LEGISLATURE TO HEAR THE PRESENTATION OF THE GOVERNOR ON FEBRUARY 17.

Also:

H. J. R. 60. COMMENDING THE COUNTRY MUSIC GROUP, ALABAMA BAND.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 4. EXTENDING THE JOINT INTERIM COMMITTEE TO STUDY UTILIZATION AND VALUE OF LAND OWNED BY THE DEPARTMENT OF MENTAL HEALTH CREATED BY ACT NO. 80-203, S. J. R. 105, of the 1980 REGULAR SESSION.

Also:

S. J. R. 16. CREATING THE TUSCALOOSA COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 25. HONORING MR. TRAVIS FAIR UPON HIS RETIREMENT AS PICKENS COUNTY COMMISSIONER.

Also:

S. J. R. 27. MOURNING THE DEATH OF DR. PHILLIP MASON OF HUNSTVILLE, ALABAMA.

Also:

S. J. R. 28. MOURNING THE DEATH OF MRS. PAULINE MYRA JONES GANDRUD.

Also:

S. J. R. 30. MOURNING THE DEATH OF COACH JAMES RALPH JORDAN OF AUBURN UNIVERSITY.

Also:

S. J. R. 31. MOURNING THE DEATH OF DEAN KATHARINE COOPER CATER OF AUBURN UNIVERSITY.

Also:

S. J. R. 32. HONORING MR. JAMES FRANKLIN GLASGOW OF ALABASTER, SHELBY COUNTY, ALABAMA.

Also:

S. J. R. 33. EXTENDING OUR GOOD WISHES FOR AN EARLY RECOVERY FOR MRS. BETTY NELL LETSON.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

And the bill:

H. 54. To amend Section 31-2-60, Code of Alabama 1975, which provides for the organization of the military department; qualifications, appointment, rank, etc., of employees of the military department; applicability of merit system to department officers and employees so as to further provide for the number of assistant adjutants general for army that are authorized by National Guard Bureau rules and regulations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hines, Holley, Holmes, Horn, Johnson (R. G.), Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—76

CO-SPONSOR ADDED

Rep. Barton was added as co-sponsor to the bill, H. 54.

H. 163 POSTPONED

On motion of Rep. Waggoner, the bill, H. 163, was postponed to the fifth legislative day.

And the bill:

H. 194. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1982, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harrison, Harvey, Hines, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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CO-SPONSORS ADDED

Reps. Smith (J) and Rains were added as co-sponsors to the bill, H. 194.

H. 79 POSTPONED

On motion of Rep. Manley, the bill, H. 79, was postponed to the sixth legislative day.

And the bill:

H. 82. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1980 session of the Legislature, with the exception of the Alabama Business Corporation Act (Act No. 80-633, H. 81, 1980 Regular Session), as contained in the 1980 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement.

Was taken up.

AMENDMENT OFFERED

Rep. Adams (C) offered the following amendment to the bill, H. 82:

Amend H. 82, in Section 1, number 4, page 2, lines 27-32 as follows:

On page 2, line 28 delete the words "of Section 5 of Act No. 80-738"

On page 2, line 31-32, add a period at the end of line 31, and delete the language "or by joint resolution of the legislature."

MOTION TO TABLE LOST

The motion offered by Rep. Manley to table the amendment offered by Rep. Adams (C) to the bill, H. 82, was lost.

Yeas 42; Nays 45.

Yeas:

Mr. Speaker, Albright, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Edwards, Gilmer, Grimsley, Hall, Hammett, Harper (T), Holley, Jackson, Johnson (R. G.), Kelley, McKee, Manley, Minus, Moore, Owens, Patton, Payne, Pegues, Ray, Reed, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Venable, Waggoner, Williams and Willis.

Nays:

Reps.: Adams (C), Amari, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cooley, Daniels, Dixon, Drinkard, Escott, Ford, Greer, Harrison, Harvey, Hines, Horn, Howard, Johnson (Roy), Kennedy, Langford, Lewis, McMillan, Mitchell, Naramore, Parker, Penry, Rains, Ridick, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Ward, Whatley, Wyatt and Zoghby.

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AMENDMENT INDEFINITELY POSTPONED

The question was again on the amendment offered by Rep. Adams (C) to the bill, H. 82, and on motion of Rep. Manley, the amendment was indefinitely postponed.

Yeas 51; Nays 31.

Yeas:

Mr. Speaker, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (T), Hines, Holley, Johnson (R. G.), Kelley, McKee, McMillan, Manley, Minus, Mitchell, Moore, Owens, Parker, Patton, Payne, Pegues, Ray, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Turner, Venable, Waggoner, Warren, Williams, Willis and Zoghby.

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Nays:

Reps.: Adams (C), Amari, Barton, Bennett, Blake, Bowling, Brakefield, Cheatwood, Clark (W), Cooley, Crow, Daniels, Escott, Goodwin, Greer, Hall, Harrison, Holmes, Horn, Howard, Jackson, Johnson (Roy), Letson, Lewis, Naramore, Penry, Rains, Stewart, Tucker, Whatley and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 64. MOURNING THE DEATH OF MR. RANKIN FITE, FORMER SPEAKER OF THE ALABAMA HOUSE OF REPRESENTATIVES.

McDOWELL LEE,
Secretary.

H. 82 RESUMED

SUBSTITUTE OFFERED

Rep. Manley offered the following substitute to the bill, H. 82:

A BILL
TO BE ENTITLED
AN ACT

To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State of Alabama adopted during the 1980 session of the Legislature, with the exception of the Alabama Business Corporation Act (Act No. 80-633, H. 81, 1980 Regular Session), as contained in the 1980 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such cumulative supplement.

Be It Enacted by the Legislature of Alabama:

Section 1. The 1980 Cumulative Supplement to the Code of Alabama 1975 containing all general and permanent laws of the State adopted during the 1980 session of the Legislature, with the exception of the Alabama Business Corporation Act (Act No. 80-633, H. 81, 1980 Regular Session), prepared by Michie Bobbs-Merrill, as the Alabama Code Commissioner, which said 1980 Cumulative Supplement is identified and authenticated by the Great Seal of the State of Alabama placed upon the front and back covers of each of the Volumes 3 through 22 thereof, be and the same is hereby adopted and incorporated into the Code of Alabama 1975 as adopted by Act No. 20, H. 100, of the 1977 Regular Session of the Legislature, approved February 15, 1977 (Acts of 1977, p. 28). Provided, however, the following corrections shall be made to said 1980 Cumulative Supplement:

1. § 5-5A-22, Vol. 4, p. 102: At the end of the last line of paragraph a. of subdivision (3), change the colon to a semicolon.

2. § 5-5A-22, Vol. 4, p. 102: At the end of subdivision (4), change the period to a semicolon.

3. § 5-12A-7, Vol. 4, p. 177: On the fourteenth line following the word "estate", insert the following language which was in Act No. 80-658 but was inadvertently omitted: "... and shall be withdrawn within a period of three months following the written request so to do of any person acting with the trust institution administering the estate. . . ."

4. § 8-16-94, Vol. 6, p. 109: On the second line of subsection (b), change the word "or" to "and".

5. § 9-3-17, Vol. 7, p. 9: On the last line of subsection (d), change the word "cooperating" to "cooperators".

6. § 10-1-3, Vol. 7, p. 83: On the second line from the end of first paragraph of subdivision (3) of subsection (a), change the word "authorized" to "authorize".

7. § 11-3-20, Vol. 8, p. 10: On the third line, change the word "chairmen" to "chairman".

8. § 11-46-117, Vol. 9, p. 45: At the end of subdivision (1) of subsection (c), change the word "and" to "or".

9. § 11-81-6, Vol. 10, p. 47: On the first line of paragraph a. of subdivision (2), change the word "bonds" to "bond".

10. § 11-81A-2, Vol. 10, p. 53: On the second line of subdivision (5) following the phrase "... or to any public corporation, . . .", insert the following language which was in Section 2 of Act No. 80-697 but was inadvertently omitted: "... or to any county or counties in the State or to the State, . . ."

11. § 11-81A-6, Vol. 10, p. 54: On the last line change the word "with" to "within".

12. § 11-89A-2, Vol. 10, p. 67: On the second line of subdivision (11), change the word "resources" to "resource".

13. § 11-89A-2, Vol. 10, p. 68: On the first line of subdivision (19) preceding the word "sludge", insert the word "or".

14. § 11-89A-8, Vol. 10, p. 73: On the first line of subdivision (7) of subsection (a), change the term "persons or persons" to read "person or persons".

15. § 11-94-7, Vol. 10, p. 96: On line eleven of subsection (c), remove the brackets which enclose the word "be".

16. § 11-94-9, Vol. 10, p. 97: On line 6 of subdivision (6) of subsection (a), change the term "railroads lines" to read "railroad lines".

17. § 15-18-67, Vol. 12, p. 169: At the end of the first line, change the word "have" to "has".

18. § 16-13-62, Vol. 13, p. 35: On line three, change the word "which" to "within".

19. § 24-1A-4, Vol. 15, p. 62: On the last line of subsection (b), delete the word "a" preceding the word "business".

20. § 25-4-141, Vol. 15, p. 145: It is hereby confirmed that it was the intent of section 6 of enrolled Act No. 80-756 to repeal section 25-4-141 of the Code of Alabama 1975 by striking such section of the Code in its entirety. It was not intended that such section be reenacted. The Code commissioner is therefore instructed to delete the Code commissioner's note appearing under Code section 25-4-141 and state in lieu thereof that Acts 1980, No. 80-756, § 6, repealed such Code section, effective May 28, 1980.

21. § 32-5A-59, Vol. 17, p. 99: This Code section (Acts 1980, No. 80-434, § 11-110) replaces the prior statute, section 32-5-73 of the Code of Alabama 1975, and such prior statute was repealed by § 15-106 of Act No. 80-434, effective August 17, 1980. The Code commissioner is therefore instructed to make note of the repeal of section 32-5-73.

22. § 32-5A-131, Vol. 17, p. 111: On the second line of subsection (b), change the word "curved" to "curve".

23. § 32-5A-195, Vol. 17, p. 131: On the first line of subdivision (6) of subsection (k), change the word "is" to "if".

24. § 32-5-313, Vol. 17, p. 83: On line seven of the second paragraph, delete the word "of" preceding the numeral "10".

25. § 36-27-48, Vol. 19, p. 82: On line four of subsection (b), change the word "with" preceding the word "system" to "either".

26. § 36-30-2, Vol. 19, p. 87: Delete the last sentence and change the word "three" in the preceding sentence to "ten".

27. § 36-32-7, Vol. 19, p. 92: On line two of subsection (b), insert the following language between the words "physician" and "designated": "as satisfactory by the appointing authority".

It is provided further that the adoption of this act shall not repeal, supersede, amend, or in any other way affect any statute enacted into law during any 1981 session of the Legislature.

Section 2. Upon passage and approval of this act, the duly authenticated 1980 Cumulative Supplement shall be transmitted to the Secretary of State, who, shall file said supplement in that office. Said supplement shall not be removed from the office of the Secretary of State, but the Secretary of State, upon request, under proper certificate and seal of that office, shall certify any part or parts thereof upon payment of the fee specified by law for similar services.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 76; Nays 14.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Lewis, McKee, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—76

Nays:

Reps.: Adams (C), Bowling, Buskey, Escott, Harrison, Holmes, Horn, Howard, Jackson, Letson, McMillan, Rains, Stewart and Wyatt.

—14

And the bill, H. 82. as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 2:

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, Lewis, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

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Nays: Reps.: Escott and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Figures:

S. J. R. 43. MOURNING THE TRAGIC DEATH OF MR. JOHN WALTER BUMPERS, JR., OF MOBILE, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Buskey, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 43, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Mitchem, Lemaster, and Smith:

S. J. R. 42. REQUESTING THE CONGRESSIONAL DELEGATION OF THE GREAT STATE OF ALABAMA TO VIGOROUSLY SUPPORT THE FUNDING AND CONSTRUCTION OF THE T. V. A. COAL GASIFICATION PLANT AT MURPHY HILL, ALABAMA.

WHEREAS, all Americans are concerned about the rising costs of imported petroleum products; and

WHEREAS, there is a great and pressing need to achieve national energy goals thereby reducing our dependence on foreign oil supplies; and

WHEREAS, our nation has available a fuel source, "coal," that is derived from America's own natural and human resources; and

WHEREAS, environmental and economically accepted methods need to be developed by the construction of a commercial size facility for the conversion of coal to energy alternatives; and

WHEREAS, without question a market and demand for said energy alternative is readily available and can be made available at a competitive price with other energy resources for consumption; and

WHEREAS, it is in the best interest of our national defense to develop a viable energy alternative that is dependable, safe and completely independent of foreign domination; and

WHEREAS, through the development of this alternative energy source, our deficit in foreign trade can be reduced by millions of dollars, which sums can remain in the hands of the working people of America, where it should be; and

WHEREAS, a great amount of planning and studies has been undertaken by the Tennessee Valley Authority with respect to coal gasification and the construction of a facility to process the same and T. V. A. has expressed its intention to construct such a facility at Murphy Hill, Alabama, provided funding is allocated by the Federal Government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby respectfully request our most distinguished Congressional Delegation to vigorously support the funding and construction of the T. V. A. coal gasification plant at Murphy Hill, Alabama.

RESOLVED FURTHER, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Kelley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 42, set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 38. DENYING THE RECOMMENDATIONS OF THE JUDICIAL COMPENSATION COMMISSION.

Also:

H. J. R. 50. DESIGNATING THE SQUARE DANCE AS THE AMERICAN FOLK DANCE OF THE STATE OF ALABAMA.

Also:

H. J. R. 55. NAMING THE ARMY NATIONAL GUARD ARMORY, LOCATED AT THE INTERSECTION OF AIRPORT AND STEEL STATION ROADS IN GADSDEN, ETOWAH COUNTY, ALABAMA, THE "CLARENCE F. RHEA ARMORY."

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 58. Relative to a joint session of the House and Senate to be held on February 17, 1981, for the purpose of hearing the presentation by the Governor and his consultants on the Retirement Systems of Alabama.

Also:

H. J. R. 60. COMMENDING THE COUNTRY MUSIC GROUP, ALABAMA BAND.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Barron:

S. J. R. 45. COMMENDING THE HONORABLE JOE FOSS OF SOUTH DAKOTA.

WHEREAS, in merited commendation and in gratitude, the Legislature of Alabama today pays tribute to The Honorable Joe Foss, former state representative and Governor of his native South Dakota; and

WHEREAS, a graduate of the University of South Dakota with a B. S. Degree awarded in 1940, Governor Foss also holds an honorary Sc.D. Degree from Sioux Falls College and honorary LL.D. Degrees from Yankton, Black Hills State and Northern State Colleges in South Dakota; and

WHEREAS, now a noted lecturer and author, Joe Foss also is a director of Advertising Unlimited, Incorporated, and of Clark/Bardes Organization, Incorporated; he served as Commissioner of the American Football League from 1959 until 1966, was the star of a weekly television series, "The Outdoorsman - Joe Foss," from 1967 to 1974 and, in 1964 and 1965, hosted ABC's "American Sportsman" weekly television show; and

WHEREAS, Mr. Foss is perhaps most distinguished through military service and as the recipient of the Distinguished Flying Cross and of our nation's highest military decoration, the Congressional Medal of Honor; serving as a Major in the United States Marine Corps during World War II, Joe Foss was one of our most prominent heroes in shooting down 26 enemy planes, the first pilot to do so since Eddie Rickenbacker; and

WHEREAS, he further distinguished himself through service during the Korean Conflict as a Colonel in the United States Air Force, and as a Brigadier General and Chief of Staff, Retired, of the South Dakota Air National Guard; and

WHEREAS, few Americans are called to serve who do so with such distinction as has General Joe Foss of South Dakota; his patriotism has known no bounds, and his service to his beloved home state of South Dakota and to our great nation is also unlimited in scope; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend General Joe Foss, Congressional Medal of Honor winner, former Governor of the State of South Dakota and a truly great American.

BE IT FURTHER RESOLVED, That Governor Foss be presented with a copy of this resolution in token of our praise, appreciation and high regard.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 45, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Keener (With Notice and Proof):

S. 3. Relating to Etowah County; to provide further for the compensation of election officers.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 3, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Gullledge (With Notice and Proof):

S. 31. Relating to Baldwin County; providing for an increase in compensation for members of the board of registrars.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 31, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Gullledge (With Notice and Proof):

S. 32. Relating to Baldwin County; providing for an additional allowance for election officials who work at polling places.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 32, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Keener (With Notice and Proof):

S. 110. Relating to Etowah County; setting the compensation of supernumerary district attorneys and providing for a supplement from the general funds of such county under certain circumstances.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 110, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

Also:

By Mr. Keener (With Notice and Proof):

S. 165. Relating to Etowah County; providing further for mileage allowance for returning officers; providing for the payments of such mileage to be made from funds in the county treasury not otherwise appropriated, or in the case of municipal elections, such payment shall be made from municipal funds by the municipal governing body.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 165, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. B. 3. Local Legislation No. 1.
- S. B. 31. Local Legislation No. 1.
- S. B. 32. Local Legislation No. 1.
- S. B. 110. Local Legislation No. 1.
- S. B. 165. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. St. John and Little:

S. 27. To provide for a durable power of attorney that may survive disability, incompetency, or incapacity or until actual knowledge of death of the principal.

Also:

By Mr. St. John:

S. 193. To give permanent status in the classified service under the Merit System Act to all persons employed under provisional appointments as Capitol Security Police Officers in the Department of Finance of the State of Alabama between the dates of June 13, 1979, and July 23, 1980, inclusive, who performed their duties satisfactorily during the period of their employment and to permit the director of finance to condition appointments made hereunder to the satisfactory completion of a six-month working test period and to make such appointments effective immediately after the completion of the working test period.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. B. 27. Judiciary.

S. B. 193. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Barron:

S. J. R. 44. SETTING THE TIME AND DATE FOR AN ADDRESS BY THE HONORABLE JOE FOSS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held in the House Chamber at 1:00 p. m. on Thursday, February 19, 1981, for the purpose of hearing the presentation of The Honorable Joe Foss, distinguished citizen of the State of South Dakota and recipient of the Congressional Medal of Honor.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Dixon, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 44, set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

H. 90 POSTPONED

On motion of Rep. Manley, the bill, H. 90, was postponed to the seventh legislative day.

And the bill:

H. 298. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901 to increase the number of trustees of the University of Alabama and to provide for their election; to provide for the retirement of the trustees; and to alter the terms and provide a maximum number of consecutive terms of service; and to provide for and clarify the position of trustee emeritus.

Was taken up.

AMENDMENT OFFERED

Rep. Boles offered the following amendment to the bill, H. 298:

Amend by changing the word three on page 2 line 36 to read two

AMENDMENT TABLED

On motion of Rep. Manley, the amendment offered by Rep. Boles to the bill, H. 298, was tabled.

Yeas 53; Nays 13.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Blake, Cabaniss, Campbell, Cates, Clark (G), Cosby, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Grimsley, Grouby, Harper (T), Harvey, Holley, Holmes, Jackson, Johnson (R. G.), Johnson (Roy), Laird, Langford, Lewis, Manley, Minus, Mitchell, Owens, Parker, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Turner, Venable, Waggoner, Ward, and Zoghby.

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Nays:

Reps.: Boles, Brakefield, Cheatwood, Crow, Gilmer, Greer, Olive, Rains, Starkey, Stewart, Trammell, Willis and Wyatt.

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And the bill, H. 298, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

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Nays: Reps.: Cosby, Escott, Harrison and Horn.

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CO-SPONSORS ADDED

Reps. Jackson and Johnson (Roy) were added as co-sponsors to the bill, H. 298.

And the bill:

H. 222. To amend the title, Section 1 and Section 3 of Act No. 80-635, H. 242, Regular Session 1980 (Acts of Alabama 1980, p.) providing for the establishment of a fee to be collected from the proceeds of all judicial sales; and to provide for the distribution of said fees, so as to provide that the provisions of said Act shall only apply to judicial sales originating in the district and circuit courts of this state and shall not apply to judicial sales originating in the probate courts of this state.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Hines, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Langford, Lewis, McMillan, Manley, Minus, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Turner, Venable, Ward, Whatley, Willis, Wyatt and Zoghby.

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CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 12:15 P. M. on February 12, 1981.

H. J. R. 33.

H. J. R. 34.

H. J. R. 41.

H. J. R. 43.

H. J. R. 44.

H. J. R. 45.

H. J. R. 47.

H. J. R. 51.

H. J. R. 52.

H. J. R. 48.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (Roy), and pursuant to the resolution, H. R. 59, heretofore adopted, the House adjourned until 1:30 p. m. o'clock, February 17, 1981.

FIFTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 17, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Tom Aaron, First United Methodist Church, Carbon Hill, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues,

Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourth legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Owens:

H. R. 66. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, February 17, 1981, we adjourn to meet again on Thursday, February 19, 1981, at 11:00 a.m.

On motion of Rep. Owens, the rules were suspended and the resolution, H. R. 66, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

S. J. R. 45. COMMENDING THE HONORABLE JOE FOSS OF SOUTH DAKOTA.

On motion of Rep. Dixon, the resolution, S. J. R. 45, was adopted.

BILLS ON SECOND READING

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 193. To give permanent status in the classified service under the Merit System Act to all persons employed under provisional appointments as Capitol Security Police Officers in the Department of Finance of the State of Alabama between the dates of June 13, 1979, and July 23, 1980, inclusive,

who performed their duties satisfactorily during the period of their employment and to permit the director of finance to condition appointments made hereunder to the satisfactory completion of a six-month working test period and to make such appointments effective immediately after the completion of the working test period.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 10. To require the state to carry out murders that have been attempted by felons in this state.

H. 166. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

H. 483. To amend Section 36-17-3, Code of Alabama 1975, which relates to powers and duties of the state treasurer, so as to provide further for access to the combination to the state treasury vault, and for the signing of state warrants.

H. 484. To amend Section 36-17-16 of the Code of Alabama 1975 so as to provide further for the destruction of cancelled state warrants.

H. 320. Relating to banks and other financial institutions engaging in consumer finance, specifically repealing Section 5-19-2, relating to the Consumer Protection Council, and Sections 5-19-27 and 5-19-28 of the Code of Alabama, 1975, relating to requirements for certain unlicensed persons making credit sales; and amending Section 5-19-30 of the Code of Alabama, 1975, so as to eliminate requirements for certain unlicensed persons making credit sales, and penalties for violations relating to the payment of fees and notification provisions of the repealed sections.

H. 321. To amend Section 5-5A-19, Code of Alabama 1975, as amended, to provide that the amount of reserve which a bank not a member of the Federal Reserve System shall maintain is to be fixed by resolution of the Banking Board and to strike the provisions of existing law fixing minimum and maximum amount of required reserves.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 220. (With Amendment): Relating to interest and usury: To amend Act No. 80-435 of the 1980 Legislature of Alabama and Section 8-8-5, Code of Alabama 1975, relating to certain loans to which usury laws do not apply, so as to provide that such laws do not apply to any person or entity, whether or not organized for profit, nor to any transaction thereunder, whether or not in default; to define terms used therein; to repeal Section 1(e) of Act No. 80-435; to repeal conflicting laws; to provide that provisions of this Act are severable; and, to provide for an effective date.

Rep. Warren, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 51. Relating to Etowah County; providing for an additional allowance for election officials who work at polling places.

H. 378. Relating to Sumter County; levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc. near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violations.

H. 316. Relating to the city of Scottsboro in Jackson County; to authorize the city governing body to establish a historic preservation commission and to adopt ordinances and regulations to protect historic architectural character and preserve the general historic character of the city by allowing the designation of historic districts, areas, and sites and adopting other provisions necessary to carry out the purposes of this act.

S. 31. Relating to Baldwin County; providing for an increase in compensation for members of the board of registrars.

S. 32. Relating to Baldwin County; providing for an additional allowance for election officials who work at polling places.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 64. MOURNING THE DEATH OF MR. RANKIN FITE, FORMER SPEAKER OF THE ALABAMA HOUSE OF REPRESENTATIVES.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Rep. Pegues:

H. J. R. 67. LEGISLATURE AGREEING TO POSTPONE RECEIVING THE GOVERNOR'S BUDGETS FOR ONE LEGISLATIVE DAY.

WHEREAS, the present economic crisis has complicated state revenue projections for the 1981-82 fiscal year; and

WHEREAS, the Alabama Legislature recognizes the complexities involved in preparing budgets in these inflationary times; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby agree to postpone receiving the Governor's budgets for one legislative day.

On motion of Rep. Pegues, the rules were suspended and the resolution, H. J. R. 67, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Waggoner:

H. 491. To amend Sections 40-17-38 and 40-17-221, Code of Alabama 1975, so as to authorize and direct the Commissioner of the Department of Revenue of this state to allow a discount, not to exceed two percent (2%) of the first Five Thousand Dollars (\$5,000) of taxes paid and one percent (1%) of all amounts of taxes paid in excess of Five Thousand Dollars (\$5,000) and not to exceed in any case Five Hundred Dollars (\$500) on taxes paid in any one month, to licensed and bonded refiners, storers, distributors or wholesalers as defined by Section 40-17-30, Code of Alabama 1975, who collect excise taxes under the provisions of Sections 40-17-31 and 40-17-220, Code of Alabama 1975.

Ways and Means.

By Rep. Dial (With Notice and Proof):

H. 492. Relating to Cleburne County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 492, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dial (With Notice and Proof):

H. 493. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 493, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dial (With Notice and Proof):

H. 494. Relating to Cleburne County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 494, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dial (With Notice and Proof):

H. 495. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 495, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dixon:

H. 496. To amend Section 36-26-23, Code of Alabama 1975, which provides for the membership of the board of control of the state employees' retirement system, so as to provide further for said membership.

State Administration.

By Rep. Dixon:

H. 497. To provide that prisoners of war shall be entitled to the issuance of special license plates.

Ways and Means.

By Reps. Smith (C), Whatley and Cates:

H. 498. To amend Section 2-8-9 and repeal Section 2-8-14 of the Code of Alabama 1975 providing for a promotional program for the production, marketing, use and sale of cattle so as to further provide for the length of the period of assessment after a referendum on that subject and to repeal provisions providing for an election by cattle owners not to pay an assessment.

Agriculture and Forestry.

By Rep. Minus:

H. 499. To amend section 28-3A-21 of the Code of Alabama 1975 relating to license fees levied for the sale of certain alcoholic beverages, so as to provide further for such licenses for certain clubs.

Ways and Means.

By Rep. Biddle:

H. 500. To amend section 32-5A-80, Code of Alabama 1975, relating to driving on the right side of a roadway so as to require all traffic to drive in the right-hand lane then available unless specifically exempted under certain conditions.

Highway Safety.

By Rep. Minus:

H. 501. Relating to any Class 7 and 8 municipalities in this state having a population of not less than 6,000 and not more than 11,999 inhabitants or a population of 5,999 or less inhabitants according to the last or any subsequent federal decennial census; authorizing the elected public officials of such municipalities to do up to a certain amount of business per year with their respective municipalities.

Local Government.

By Rep. Biddle:

H. 502. To authorize certain minors to consent to the donation of bone marrow for purposes of bone marrow transplantation and authorize a parent or legal guardian of all other minors to consent to such bone marrow transplantation.

Health.

By Rep. Clark (G):

H. 503. To promulgate "The Motor Vehicle Franchise Act" in order to provide for the regulation of motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

Judiciary.

By Rep. Johnson (Roy):

H. 504. To provide that a school teacher, public employee or support personnel employed by public school system, the State Board of Education, the State Department of Education, State Senior Colleges and Universities, State Junior Colleges, State Vocational Technical Schools, the Alabama Commission of Higher Education and the Alabama Education Study Commission or any other State educational institution or agency, shall continue to draw his full salary for a certain period when incapacitated as a direct result of an on-the-job injury; to provide that payment of such benefits shall not exhaust his accumulated sick leave and to authorize standards for carrying out the provisions of this Act.

Ways and Means.

By Rep. Johnson (Roy):

H. 505. Proposing an amendment to Amendment 328 of the Constitution of Alabama, 1901, relating to the Judicial Articles and to the Judicial Compensation Commission, which recommends the level of judges' compensation, so as to abolish said commission.

State Administration.

The above bill was read a first time at length as required by the Constitution.

By Rep. Holley:

H. 506. To require that city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf and Blind and the Alabama's senior universities reimburse its employees for mileage when said employees are required to travel as a part of their job assignment.

Ways and Means.

By Reps. Johnson (Roy) and Holley:

H. 507. To amend Code of Alabama 1975, Section 36-27-16, which relates to the Employees' Retirement System, amending said section so as to provide that any member who has attained age 60, or age 52 in the case of a state policeman, and has previously withdrawn from service may retire upon written application to the board of control setting forth at what time, not less than 30 days, nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired; provided that the said member shall have completed the age and service requirements established by the board of control for eligibility for deferred benefits. To provide that the board of control shall establish said age and service requirements; and that from time to time, said requirements for the minimum years of creditable service shall not be less than 10 years nor more than 25 years.

Ways and Means.

By Reps. Johnson (Roy) and Holley:

H. 508. To amend the Code of Alabama 1975, Section 36-29-5, to authorize and empower the state employees' insurance board to provide coverage for dental care and treatment under the state employees' health insurance plan; to amend sections 36-29-9 and 36-29-10 to provide a method for direct payment of premiums for persons otherwise eligible who are precluded from having the cost of their coverage deducted from a monthly benefit payment.

Ways and Means.

By Rep. Manley:

H. 509. To amend § 12-19-150, Code of Alabama 1975, to provide that in the interest of justice a judge may, in his discretion enter an order dismissing a case prior to trial, conditioned upon payment of the docket fee and other court costs; and to provide an effective date.

Judiciary.

By Rep. Manley:

H. 510. To specify who may disclaim an interest in property and provide for partial disclaimer; to provide that a disclaimer may be made of any property, property right, or interest in property, including partial interests; to fix the time limits for filing a disclaimer and to provide for the manner of the delivery and filing of the disclaimer; to provide for the form of the disclaimer; to determine the effect of the disclaimer; to provide for waiver and barring of a disclaimer; to ensure that this Act does not abridge the right of any person to disclaim under any other statute; to ensure that this Act is

construed to effectuate its intended purposes to make uniform the law with respect to the subject of this Act among states enacting it and to provide for the ability of persons to disclaim interests in property without the imposition of transfer taxes, to provide for severability of the provisions of this Act; and to provide for a retroactive effective date for the provisions of this Act.

Judiciary.

By Rep. Tucker:

H. 511. To amend Section 12-19-251.1 of the Code of Alabama 1975, as amended, so as to require the payment from the state fair trial tax fund of any excess costs incurred by a municipality which has retained its municipal court over the fair trial tax receipts retained by it to defray the costs of providing representation of indigent defendants.

Ways and Means.

By Reps. Smith (M), Waggoner, Roberts, Kennedy, Parker, Owens, Ward, Cosby, Patton, Albright, Bennett, Coburn, Moore, Smith (J) and Naramore:

H. 512. To change the name of the capitol security officers to state capitol police officers, to provide for the powers, duties, and jurisdiction of state capitol police officers, to provide that state capitol police officers shall be provided a uniform of a type and color as prescribed by the director of finance, and to provide that the state department of finance is authorized to insure state capitol police officers against personal injury or death while discharging their duties.

Ways and Means.

By Rep. Crow:

H. 513. To amend Sections 9-11-48 and 9-11-49, Code of Alabama 1975, which provide for nonresident licenses for hunting trips, so as to extend the period of the trip to seven days.

Natural Resources.

By Reps. Bedsole, Harper (T) and Clark (W):

H. 514. To provide that owners of motor vehicles that are leased to other persons shall not be liable for parking violations when the vehicles are not in their possession and provides that said lessors shall notify the clerk of the proper court with the name and address of the lessee.

State Administration.

By Reps. Bedsole, Roberts, Dixon and Johnson (R. G.):

H. 515. To amend Section 22-14-16 of the Code of Alabama 1975, relating to the prohibition of storing, depositing or dumping nuclear spent fuel or other radioactive waste which is generated outside Alabama, so as to provide for the exception of such material or waste used in Alabama.

State Administration.

By Rep. Smith (J):

H. 516. To limit the amount of projected revenues the legislature may appropriate and to provide for certain supplemental appropriation over said limit.

Judiciary.

By Rep. Payne:

H. 517. To define motorized bicycles, to prescribe the licensing procedure and allocation of license fees, to apply certain rules of the road and safety requirements and to require no insurance for the operation of such motorized bicycles.

Highway Safety.

By Rep. Buskey:

H. 518. To exempt the U. J. Robinson Memorial Center, Inc. from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Rep. McCorquodale (With Notice and Proof):

H. 519. To provide for an increase of \$10.00 in the court costs which may lawfully be imposed upon conviction, in the municipal court of the Town of Grove Hill, for violation of any municipal ordinance, in addition to all such costs presently authorized by law and to provide that such additional sums be paid into the general fund of the Town of Grove Hill and used by it for promotion of law enforcement.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 519, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Rains, Stout, Cates, Pegues, Brakefield and Carter:

H. 520. To name this Act; to state the Legislature's concern for school nutrition; to define certain terms used in the Act; to establish the school breakfast program in all schools receiving funds under Title 1 of the Elementary and Secondary Education Act (PL 95-561); to set the date for the commencement of the program; to authorize and require the State Department of Education to promulgate rules and standards for implementation of the program; to require from local school boards a plan of compliance with this Act; to require the State Department of Education to notify eligible schools of this Act; to repeal only those laws in direct conflict; and to provide for severability and an effective date.

Education.

By Rep. Rains:

H. 521. To provide that the county commissions of the various counties in the state may cover or fill certain abandoned wells on private property.

Local Government.

By Rep. Rains:

H. 522. To amend Section 28-3-205, Code of Alabama 1975, relating to the distribution of certain taxes on spiritous or vinous liquors, so as to earmark a portion of said tax proceeds to the Medicaid agency.

Ways and Means.

By Rep. Rains:

H. 523. To amend Section 40-25-62, Code of Alabama 1975, relating to the excise tax on cigarettes, so as to earmark a portion of said tax proceeds to the Medicaid agency.

Ways and Means.

By Rep. Rains:

H. 524. To provide for a toll-free telephone hotline into the Governor's office and to make appropriation from the state general fund for such purpose.

Ways and Means.

By Rep. McKee:

H. 525. To amend Section 20-2-93, Code of Alabama, 1975, relating to forfeitures and seizures connected with violations of the Uniform Alabama Controlled Substances Act, by amending Section 20-2-93 to include money, funds, negotiable instruments, firearms, weapons, and other personal property in the list of items subject to forfeiture, if used or intended for use to facilitate a violation of the Alabama Uniform Controlled Substances Act, to provide venue for forfeiture proceedings thereunder, and to clarify and define certain affirmative defenses thereto.

Judiciary.

By Reps. Riddick, McCorquodale, Coburn, Stout, Cosby, Smith (C), McKee, Mitchell, Bowling, Greer, Ward, Whatley, Adams (C), Ford, Adams (H), Hall, Starkey, Payne, Gregg, Goodwin, Moore, Rains and Carter:

H. 526. To provide further for public school curriculum at the elementary and secondary level; to provide for the balanced treatment of the theory of scientific creationism and evolution; to provide for definitions; to provide for the state department and superintendent of education to implement this act; to provide that the presentation of certain related theories with scientific findings shall not be prohibited; and to prescribe an effective date.

Education.

By Reps. Penry, Letson, Bedsole, Warren and Harper (T):

H. 527. To license and regulate grain dealers under the State Department of Agriculture and Industries; to require posting of bonds by dealers for the benefit of producers; to provide for inspection and investigation of grain dealers' operations and provide for hearings and suspension or revocation of grain dealers' licenses.

Agriculture and Forestry.

By Rep. Hammett:

H. 528. To amend Section 22-21-260, Code of Alabama 1975, which defines certain terms in relation to the control, regulation and development of certain health care facilities, so as to include nursing facilities for veterans in the definition of "health care facility."

Health.

By Rep. Cates:

H. 529. To repeal Section 5-2A-103, Code of Alabama 1975, which provides for the payment of operating expenses of the bureau of credit unions.

Banking.

By Rep. Cates:

H. 530. To amend Section 5-2-120, Code of Alabama 1975, which provides for the appointment of the credit union board of the bureau of credit unions and to amend Section 5-2-121 which provides for meetings of the credit union board of the bureau of credit unions.

Banking.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Starkey:

H. J. R. 68. MOURNING THE DEATH OF MR. RUFUS GLEASON HIBBETT, SR., PROMINENT FLORENCE, ALABAMA, EDUCATOR AND CIVIC LEADER.

WHEREAS, the Legislature of Alabama, in deep sorrow and regret, notes the death of Mr. Rufus Gleason Hibbett, Sr., on February 3, 1981, at the age of 80 years; and

WHEREAS, though a native of Tennessee, Mr. Hibbett, at the time of his death, had resided in Florence since 1923, moving to that city following his graduation from Cumberland University in Lebanon, Tennessee; and

WHEREAS, for almost one-half century, he then served his adopted home in the areas of public education, government, business and community affairs; and

WHEREAS, his association with the Florence City School System spanned a period of some 43 years, first as teacher, coach and principal at Coffee High School and Florence Junior High, then as superintendent of education from 1958 until 1966; he also established a scholarship program at Florence State University, was a former member of the board of education and was honored by the designation, in 1980, of the newest school in the Florence system as the "Rufus G. Hibbett School; and

WHEREAS, Mr. Hibbett further served in care and concern for his community as a member of the Florence City Commission, Chamber of Commerce and on the board of directors of Freed-Hardeman College; and

WHEREAS, a longtime member of Wood Avenue Church of Christ, Mr. Hibbett served as an elder, Sunday School teacher and song leader; he was active with the Boy Scouts program as scoutmaster, was a member of the Rotary Club and chairman of the Club's music committee for 37 years; and he was the founder of Hibbett and Sons Sporting Goods of Florence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Rufus Gleason Hibbett, Sr., and extend to his family our most heartfelt sympathy in their great loss.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for his wife, Mrs. Imogene L. Hibbett, and their eight sons, with a copy also presented to the "Rufus G. Hibbett School" for appropriate display.

On motion of Rep. Starkey, the rules were suspended and the resolution, H. J. R. 68, was adopted.

Also:

By Reps. Bedsole, Roberts, Dixon and Johnson (R. G.):

H. J. R. 69. MEMORIALIZING THE UNITED STATES CONGRESS TO CONSENT TO ALABAMA AND THE VARIOUS STATES ENTERING INTO REGIONAL COMPACTS OR AGREEMENTS TO RESOLVE PROBLEMS RELATED TO LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.

WHEREAS, the Alabama Legislature has diligently studied during the last two years the complex facets of the management, transportation, storage and disposal of radioactive low-level wastes, and has taken testimony from many experts and inspected many facilities therefor; and

WHEREAS, the critical area of the safe and efficient management, transportation, storage and disposal of such wastes directly affects the health and welfare of every citizen of Alabama and indeed all citizens of the United States of America; and

WHEREAS, the 96th Congress in its Second Session, November 20, 1980, did enact legislation authorizing the various states to enter into regional compacts, over five-year periods, to cooperatively manage certain types of low-level waste and excluding others; and

WHEREAS, the Secretary of the Department of Energy is directed to report to the Congress and each state, thereby enabling the various states to respond to the regional disposal concept contained in said legislation, and to consult therefor with the Governors of the States, among others; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That this body does memorialize the Congress to consent to Alabama and the several states entering into regional compacts or agreements, consistent with the federal legislation enacted November 20, 1980, (appearing in the Congressional Record, Vol. 126, No. 177, December 13, 1980), to explore the safe and efficient management of low-level radioactive waste disposal on a regional basis.

BE IT FURTHER RESOLVED, That the Secretary of the Department of Energy is respectfully requested to report to the Honorable Fob James, Governor of the State of Alabama, and the presiding officer of each house of the Alabama Legislature of the progress and developments in establishing the guides, policy and framework whereby two or more states may cooperate as party states in resolving the problems related to low-level radioactive wastes and acknowledge by compact their respective responsibilities therefor.

RESOLVED FURTHER, That a copy of this Resolution shall be sent forthwith to the Alabama Congressional delegation, the Presiding Officer of both Houses of Congress, the Secretary of the United States Department of Energy, the National Conference of State Legislatures, and the Honorable Fob James, Governor of the State of Alabama.

The resolution, H. J. R. 69, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Bedsole, Roberts, Dixon and Johnson (R. G.):

H. J. R. 70. URGING GOVERNOR FOB JAMES TO ENTER INTO A CONFERENCE WITH OTHER GOVERNORS AND THE FEDERAL GOVERNMENT FOR ALABAMA PARTICIPATION IN THE DEVELOPMENT AND ESTABLISHMENT OF A REGIONAL COMPACT FOR LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.

WHEREAS, The Alabama Legislature recognizes that the management and the transportation, storage and disposal of low-level radioactive wastes in a safe and efficient manner is directly related to the health and welfare of every citizen of this state; and

WHEREAS, this body recognizes the many benefits in medicine, energy and science that result from the correct use of certain materials which generate low-level radioactive waste; and

WHEREAS, the complex area of safe and efficient management of such wastes is being probed and diligently studied by each state and the United States Government; now therefore

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do urge Governor Fob James to enter into a conference with other governors and the federal government for Alabama's participation on a cooperative basis in the development and establishment of a regional compact for the safe and efficient management of low-level radioactive waste and related matters, in order to protect the health and welfare of our citizens.

RESOLVED FURTHER, That the Alabama Legislature respectfully requests that Governor Fob James apprise, in writing, the presiding officer of each house the progress and findings in such conference or meetings with party states within ten days after such conference or meeting in order for the appropriate legislative committees to respond.

BE IT FURTHER RESOLVED, That the Clerk of the House send a copy of this resolution forthwith to The Honorable Fob James, Governor of the State of Alabama.

The resolution, H. J. R. 70, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Dial:

H. J. R. 71. COMMENDING WOODROW B. THRASH, DIRECTOR OF THE CLEBURNE COUNTY AREA VOCATIONAL SCHOOL.

WHEREAS, the Legislature of Alabama regrettably notes the announced retirement, effective July 1981, of Mr. Woodrow B. Thrash, as Director of the Cleburne County Area Vocational School, a position he has held since the school's inception some seven years ago; and

WHEREAS, a graduate of Cleburne County High School, Mr. Thrash attended Jacksonville State Teachers' College on an athletic scholarship, later transferring to Florence State College; his education, interrupted by World War II, was completed in 1946 after nearly five years of distinguished service in combat in three theatres of war; and

WHEREAS, first employed as a teacher, then in the prefabricated construction business, Woodrow Thrash returned to college to earn a second B.S. degree, this time in vocational education, from Auburn University and embarked upon a career which was to span a period of 32 years in Wilcox, Dallas and Calhoun Counties, and in Cleburne County for the past quarter of a century; and

WHEREAS, Mr. Thrash, in addition to two undergraduate degrees, also holds a Master's Degree from Auburn and completed requirements for his AA Certificate; and

WHEREAS, one of our state's most outstanding and experienced vocational educators, Woodrow Thrash not only played an instrumental role in equipping and staffing the Cleburne County Area School but has since built its reputation to rival the best adult vocational colleges in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mr. Woodrow B. Thrash on his long and illustrious career in the area of vocational education.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Thrash in token of appreciation and in evidence of our high regard.

The resolution, H. J. R. 71, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Harvey:

H. J. R. 72. MOURNING THE DEATH OF MISS AMILEA PORTER, PROMINENT BLOUNT COUNTY EDUCATOR AND CIVIC LEADER.

WHEREAS, it is in deep sorrow and regret that the Alabama Legislature notes the death of Miss Amilea Porter of Oneonta, Alabama, on September 30, 1980, at the age of 72 years; and

WHEREAS, since her death, Miss Porter, one of Blount County's most beloved and respected citizens, has been honored posthumously by the establishment of the Amilea Porter Memorial Scholarship at her Alma Mater, the University of Montevallo, and by a proposed memorial, The Amilea Porter Center, at Palisades Park, a project of the Blount County Park and Recreation Board which she had served as Secretary-Treasurer; and

WHEREAS, a native of Fayette County, Miss Porter was reared in Marion County, but moved to Blountsville following college graduation; she retired as a teacher after a career of almost 40 years in public education to become deeply involved in church-related activities, and in many civic projects which resulted in the acquisition of a number of state and federal grants to be used in Blount County; and

WHEREAS, further, Miss Porter, through longtime membership in the Alabama Environmental Quality Association and as a member of the AEQA Council, became known statewide for her conservation contributions, and for her accomplishments in the area of heritage preservation through membership and in offices of the Blount County Historical Society; and

WHEREAS, Miss Porter's awards, honors and recognitions were numerous and included the Alabama Historical Commission's prestigious Award of Merit; she also was primarily responsible for the National Cleanest Town Achievement Award of 1971 for the Town of Oneonta; and

WHEREAS, she was a daily worker as a volunteer with the senior citizen's program, served on the publications committee of the first and Bicentennial editions of The Heritage of Blount County, and held many offices in Blountsville Methodist Church and later in Oneonta's Lester Memorial United Methodist Church; she was a member of Amaryllis Garden Club, Council of Blount County Project Pride, Cosmos Club and the Garden Clubs of Alabama; and

WHEREAS, the passage of time since Miss Porter's death has not eased the sorrow of those who knew and loved her for the extraordinary lady that she was; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of Miss Amilea Porter and extend our most heartfelt sympathy to her many, many friends who were privileged to share her life, and to her surviving family to whom a copy of this resolution shall be sent.

On motion of Rep. Harvey, the rules were suspended and the resolution, H. J. R. 72, was adopted.

REPORT FILED

Pursuant to the resolution, House Joint Resolution 250, Act No. 80-723, of the Regular Session of 1980 of the Legislature, Rep. Ann Bedsole, Chairman, submitted the report of the Joint Interim Committee to Study Nuclear Energy Activities, and the report was ordered filed.

RESOLUTION

The following resolution was introduced:

By Rep. Holley:

H. J. R. 73. REQUEST FOR DELAY OF REPORTING DATE FOR JOINT INTERIM COMMITTEE RECREATING AN INTERIM COMMITTEE TO IMPLEMENT THE PURCHASE OF PROPERTY WITHIN THE CAPITOL COMPLEX.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the reporting date for the Joint Interim Committee Recreating an Interim Committee to Implement the Purchase of Property Within the Capitol Complex, created by H. J. R. 346, Act No. 80-657, is hereby delayed until the tenth legislative day.

On motion of Rep. Holley, the rules were suspended and the resolution H. J. R. 73, was adopted.

JOINT SESSION

The hour of 2:00 o'clock p.m., having arrived, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives, in accordance with House Joint Resolution No. 58 heretofore adopted, for the purpose of hearing an address by the Honorable Fob James and his consultants, regarding Alabama's Retirement Systems.

The Joint Session was called to order by Honorable George D. H. McMillan, Jr., Lieutenant Governor and Presiding Officer of the Senate.

Thereupon, Honorable Fob James and his consultants delivered their presentation to the Members of the Legislature of Alabama.

The Lieutenant Governor and Presiding Officer of the Senate then announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The Speaker of the House then called the House to order.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Greer:

H. J. R. 74. REQUEST FOR DELAY OF REPORTING DATE FOR JOINT INTERIM COMMITTEE TO STUDY NUCLEAR PLANTS AND TO MAKE RECOMMENDATIONS REGARDING A REGULATORY AGENCY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the reporting date for the Joint Interim Committee to Study Nuclear Plants and to Make Recommendations Regarding a Regulatory Agency, created by H. J. R. 292, Act No. 80-649, is hereby delayed until the tenth legislative day.

On motion of Rep. Greer, the rules were suspended and the resolution, H. J. R. 74, was adopted.

Also:

By Reps. Reed, Kennedy, McCorquodale and Escott:

H. J. R. 75. HONORING TUSKEGEE INSTITUTE ON THE CENTENNIAL OF ITS FOUNDING.

WHEREAS, the Legislature of Alabama is honored to note the 100th Anniversary of the founding of our state's renowned Tuskegee Institute; and

WHEREAS, its charter signed into law on February 12, 1881, Tuskegee Institute, which was first housed in a wooden shanty, has developed into one of the largest predominantly black universities in the United States, its graduates numbering more than 25,000 who have gone forth from the Institute's hallowed halls to pursue professions and careers throughout our own land and the nations of the world; and

WHEREAS, Tuskegee Institute, founded by a former slave and a former slaveowner in a common bond of hope for the future, today operates with a budget of some \$25 million as contrasted with a first year appropriation of \$2,000; its student body currently numbers approximately 3400 as opposed to 30 students one hundred years ago under its first president, Booker T. Washington; and

WHEREAS, with the addition of George Washington Carver to its faculty, Tuskegee Institute soon became a research center from which the entire world reaped the benefits of revolutionized agricultural science; and

WHEREAS, to its program of vocational education, the university established its college-degree program in 1927 and, in addition to scientific research, it became famous as a knowledgeable source of reliable information on Black history and culture; and

WHEREAS, joining in the centennial celebration of Tuskegee Institute marking one hundred years of service, resourcefulness and accomplishment, are descendants of the two founders, Lewis Adams and George Campbell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with dignitaries, officials, alumni, students and friends of Tuskegee Institute in celebrating and observing "Charter Day" and the Centennial Anniversary of said Institution on February 12, 1981.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate display at Tuskegee Institute with copies also presented to Mrs. Lillie Wilson and Mr. Charles W. Campbell as the two oldest living descendants of the school's two founders.

On motion of Rep. Reed, the rules were suspended and the resolution, H. J. R. 75, was adopted.

Also:

By Rep. Payne:

H. R. 76. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 465, AMENDING SECTION 11-41-1 OF THE CODE OF ALABAMA, 1975, PERTAINING TO THE INCORPORATION OF A MUNICIPALITY.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending H. B. 465, amending Section 11-41-1 of the Code of Alabama, 1975, pertaining to the incorporation of a municipality, copies of which are attached to this resolution and made a part hereof by reference. In pertinent part, Section 11-41-1 reads:

"...; provided, that an unincorporated community lying within or partly within the boundaries of a county having a population of 600,000 or more, according to the most recent federal decennial census, shall not be incorporated under this section if the territory proposed to be incorporated has a total population of less than 1,000 or if the territory or any part of its perimeter lies within three miles of the corporate limits of any existing city or town." (Emphasis added)

1. Does the language of Section 11-41-1, Code of Alabama 1975, set out herein, fall within the United States constitutional prohibitions of the Fourteenth Amendment for due process and equal protection of the laws and therefore operate arbitrarily and discriminatorily against certain people of the state because they live "within three miles of the corporate limits of any existing city or town" only when the boundaries lie within a county having 600,000 or more inhabitants?

2. Does the language of the said section, set out hereinabove, contravene the provisions of Article I, Section 1 of the Constitution of Alabama, 1901, in that this general law has unequal public application which operates to arbitrarily violate the constitutional rights of citizens within the same county?

3. Does the language of the said section contravene the provisions of Article I, Section 35 of the Constitution of Alabama, 1901, in that the provisions operate arbitrarily or capriciously against certain citizens in a certain classification without a compelling state interest?

4. Does the language of Section 11-41-1 of the Code of Alabama, 1975, exclude a certain group of persons within the same territory so as to deny them due process and equal protection of the laws guaranteed under the federal constitution?

RESOLVED FURTHER, That the Clerk of the House of Representatives is hereby directed to send sufficient copies of the pending bill, H. B. 465, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

MOTION TO SUSPEND RULES

Rep. Payne offered the motion to suspend the rules and adopt the resolution, H. R. 76.

DIVISION OF THE QUESTION

Rep. Tucker called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES AND ADOPT LOST

The question was then on the motion offered by Rep. Payne to suspend the rules in order to take up for immediate consideration the resolution, H. R. 76, and the motion was lost, lacking a four-fifths vote.

Yeas 16; Nays 5.

Yeas:

Reps.: Amari, Biddle, Cates, Clark (W), Gafford, Holmes, Howard, Lewis, Moore, Olive, Payne, Ray, Seibels, Trammell, Venable and Waggoner.

Nays: Reps.: Escott, Horn, Nevett, Smith (C) and Tucker.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. R. 76, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Bennett:

H. J. R. 77. NOTING NATIONAL CIRCLE K WEEK IN ALABAMA.

WHEREAS, Circle K, a collegiate service organization, has chapters on a number of Alabama campuses; and

WHEREAS, under its motto, "We Build," such organization provides college students with a means to help others and to be of service to society as a whole; and

WHEREAS, Circle K, an arm of Kiwanis International, has approximately 13,000 members on nearly 750 campuses across the United States and around the world; and

WHEREAS, Circle K emphasizes the advantages of the democratic way of life and provides the opportunity for leadership training in service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby acknowledge February 15 through 21, 1981, as Circle K Week in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Jerrell Ivey, lieutenant governor of Circle K for Alabama, in evidence of the Legislature's recognition of outstanding service by club members to Alabama and the nation.

On motion of Rep. Bennett, the rules were suspended and the resolution, H. J. R. 77, was adopted.

REPORT FILED

Pursuant to Senate Joint Resolution 9, Act No. 79-38 of the Regular Session of 1979 of the Legislature, the Chairmen, Lieutenant Governor, George D. H. McMillan, and the Speaker of the House of Representatives, Joe C. McCorquodale, Jr., submitted the report of the Continuing Joint Fiscal Study Commission, and the report was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Harper (T):

H. J. R. 78. CREATING THE LEGISLATIVE JOINT INTERIM MOBILE COUNTY SCHOOL SYSTEM STUDY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a legislative joint interim committee to study, review and examine the Mobile County School System. Said committee shall be composed of the members of the House and Senate whose district or parts of district include Mobile County. The Chairman and Vice-Chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall adopt all necessary rules of procedure.

Said committee shall:

1. Examine the financial condition of said school system;
2. examine expenditures on non-academic functions by said school system;
3. review purchasing practices and procedures affecting said school system;
4. review fiscal policies and procedures of said school system;
5. examine the physical plant facilities of said school system;
6. examine the ratio of support personnel and administrative staff to teachers;
7. study the dissatisfaction of teachers with working conditions, administrative rules and availability of instructional materials; and
8. examine the maintenance of existing facilities.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. Additional assistance shall be provided by the Legislative Reference Service, the Legislative Fiscal Office, the Department of the Examiners of Public Accounts, the Education Study Committee or any other public board, commission, committee or agency.

Said committee shall report its findings, conclusions and recommendations to the legislature not later than the 10th legislative day of the next regular session, at which time the committee shall be abolished.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses for each committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

The total expenses of the committee shall not exceed \$5,000.

The resolution, H. J. R. 78, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Venable:

H. J. R. 79. EXPRESSING DEEP REGRET IN THE TRAGIC AND UNTIMELY DEATH OF JAMES KENNETH "KENNY" BURNETTE OF TITUS, ALABAMA.

WHEREAS, it was with a sense of shock and deep sorrow that the Legislature of Alabama learned of the tragic, accidental death of James Kenneth "Kenny" Burnette of Titus, Alabama, on February 13, 1981; and

WHEREAS, a graduate of the University of Alabama in Management and Marketing, he attended the public schools of Elmore County and lived all his young life in the Titus Community with his family since the date of his birth, November 17, 1956; and

WHEREAS, during his childhood and teenage years, Kenny loved the outdoors and was a fisherman and a hunter as well; and

WHEREAS, though helpless at such a time, we do indeed share this personal tragedy in the lives of Mr. and Mrs. William Jesse Burnette, Sr., father and mother to Kenny; and we express our most heartfelt sympathy not only to them but to William J. "Bill" Burnette, brother; Reverend and Mrs. J. Arthur Burnette and Mr. and Mrs. K. Lamar Kelly, grandparents; Mrs. R. J. Dixon and Mrs. Cleo Thornton, aunts; Bill's wife and daughters; and Kenny's other relatives and many many friends; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of James Kenneth "Kenny" Burnette of Titus, Alabama, and direct that copies of this resolution be sent to his family as evidence of our shared sorrow and deep regret in their great loss.

The resolution, H. J. R. 79, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 37. INVITING THE HONORABLE JOE FOSS, FORMER GOVERNOR OF THE STATE OF SOUTH DAKOTA, TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

Also:

S. J. R. 38. HONORING MR. TYRE C. WEAVER, JR., FOR DISTINGUISHED PUBLIC SERVICE.

Also:

S. J. R. 42. REQUESTING THE CONGRESSIONAL DELEGATION OF THE GREAT STATE OF ALABAMA TO VIGOROUSLY SUPPORT THE FUNDING AND CONSTRUCTION OF THE T.V.A. COAL GASIFICATION PLANT AT MURPHY HILL, ALABAMA.

Also:

S. J. R. 43. MOURNING THE TRAGIC DEATH OF MR. JOHN WALTER BUMPERS, JR., OF MOBILE ALABAMA.

Also:

S. J. R. 44. SETTING THE TIME AND DATE FOR AN ADDRESS BY THE HONORABLE JOE FOSS.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:40 P.M. on February 17, 1981.

H. J. R. 38

H. J. R. 50

H. J. R. 55

H. J. R. 58

H. J. R. 60

H. J. R. 64

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 66, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Thursday, February 19, 1981.

Yeas 32; Nays 16.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Brakefield, Buskey, Campbell, Clark (G), Clark (W), Cosby, Edwards, Gafford, Grimsley, Harper (O), Harper (T), Howard, Johnson (Roy), Kennedy, Letson, Manley, Minus, Moore, Nevett, Olive, Patton, Roberts, Seibels, Smith (J), Stewart, Trammell, Turnham and Ward.

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Nays:

Reps.: Albright, Bedsole, Carothers, Carter, Cheatwood, Greer, Holley, Langford, McKee, McMillan, Payne, Penry, Rains, Smith (C), Venable and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SIXTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 19, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Lawson Bryan, Minister, Dexter Avenue United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the fifth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 45. COMMENDING THE HONORABLE JOE FOSS OF SOUTH DAKOTA.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 75. HONORING TUSKEGEE INSTITUTE ON THE CENTENNIAL OF ITS FOUNDING.

Also:

H. J. R. 77. NOTING NATIONAL CIRCLE K WEEK IN ALABAMA.

Also:

H. J. R. 72. MOURNING THE DEATH OF MISS AMILEA PORTER, PROMINENT BLOUNT COUNTY EDUCATOR AND CIVIC LEADER.

Also:

H. J. R. 73. REQUEST FOR DELAY OF REPORTING DATE FOR JOINT INTERIM COMMITTEE RECREATING AN INTERIM COMMITTEE TO IMPLEMENT THE PURCHASE OF PROPERTY WITHIN THE CAPITOL COMPLEX.

Also:

H. J. R. 74. REQUEST FOR DELAY OF REPORTING DATE FOR JOINT INTERIM COMMITTEE TO STUDY NUCLEAR PLANTS AND TO MAKE RECOMMENDATIONS REGARDING A REGULATORY AGENCY.

Also:

H. J. R. 67. LEGISLATURE AGREEING TO POSTPONE RECEIVING THE GOVERNOR'S BUDGETS FOR ONE LEGISLATIVE DAY.

Also:

H. J. R. 68. MOURNING THE DEATH OF MR. RUFUS GLEASON HIBBETT, SR., PROMINENT FLORENCE, ALABAMA, EDUCATOR AND CIVIC LEADER.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 109. Relating to Calhoun County; to levy a privilege or license tax upon the sale, distribution or storage of beer; to fix the amount or rate of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 80. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, February 19, 1981, we adjourn to meet again on Tuesday, February 24, 1981, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 80, was adopted.

Also:

By Rep. Manley:

H. J. R. 81. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Tuesday, February 17, 1981, we adjourn to meet again on Thursday, February 19; and when we adjourn on Thursday, February 19, we adjourn to meet again on Tuesday, February 24; and when we adjourn on Tuesday, February 24, we adjourn to meet again on Thursday, February 26; and when we meet on Thursday, February 26, we adjourn to meet again on Tuesday, March 3; and when we meet on Tuesday, March 3, we adjourn to meet again on Thursday, March 5; and when we meet on Thursday, March 5, we adjourn to meet again on Tuesday, March 17, 1981, all dates hereinabove set forth being in the year 1981.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 81, was adopted.

Yeas 66; Nays 11.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carter, Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Jackson, Johnson (R. G.), Kelley, Laird, McKee, Minus, Mitchell, Moore, Naramore, Owens, Payne, Pegues, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis and Wyatt.

—66

Nays:

Reps.: Bedsole, Buskey, Clark (W), Gilmer, Harper (T), Kennedy, Reed, Sandusky, Stout, Tucker and Zoghby.

—11

Also:

By Reps. McMillan and Penry:

H. J. R. 82. COMMENDING HAROLD I. BRYARS, BALDWIN COUNTY, ALABAMA.

WHEREAS, Harold I. Bryars, retired as a four-term County Commissioner, December 31, 1980; and

WHEREAS, Harold I. Bryars, has served Baldwin County in the capacity of Chairman of the County Commission, Finance and Taxation Commissioner, Road and Bridge Commissioner, Civic and Industrial Commissioner, and for a brief period as County Administrator-Treasurer; and

WHEREAS, Harold I. Bryars was elected successfully in 1960, 1964, 1968 and last in 1976, and completed a total of sixteen years in public service for Baldwin County; and

WHEREAS, Harold I. Bryars never missed a regularly scheduled meeting of the County Commission; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to thank personally Commissioner Harold I. Bryars for a job well done, with professionalism and a common understanding of the public needs. The Baldwin County Legislative Delegation wishes Commissioner Bryars a very happy life in his future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Commissioner Bryars.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 82, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 83. COMMENDING CLYDE MADISON STEELE, CITY CLERK, BAY MINETTE, ALABAMA.

WHEREAS, the City of Bay Minette has been fortunate that Clyde Madison Steele served as City Clerk for the past nineteen years; and

WHEREAS, Mr. Steele has assisted with the administration of three different mayors, seeing the City's budget multiply ten times in his nearly two decades of service; and

WHEREAS, Clyde Steele's dedication is revealed in his work record of nineteen years with only one day absent; and the fact that he worked long hours, numerous weekends, even sacrificing vacations; and

WHEREAS, Clyde Steele was selected as Bay Minette, Alabama's "Man of the Year for 1980"; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pay special tribute and convey our heartfelt thanks to Clyde Madison Steele for the contribution which he has made to the growth of the City of Bay Minette and extend to him our best wishes upon his retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Clyde Madison Steele.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 83, was adopted.

BILLS ON SECOND READING

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 510. To specify who may disclaim an interest in property and provide for partial disclaimer; to provide that a disclaimer may be made of any property, property right, or interest in property, including partial interests; to fix the time limits for filing a disclaimer and to provide for the manner of the delivery and filing of the disclaimer; to provide for the form of the disclaimer; to determine the effect of the disclaimer; to provide for waiver and barring of a disclaimer; to ensure that this Act does not abridge the right of any person to disclaim under any other statute; to ensure that this Act is construed to effectuate its intended purposes to make uniform the law with respect to the subject of this Act among states enacting it and to provide for the ability of persons to disclaim interests in property without the imposition of transfer taxes; to provide for severability of the provisions of this Act; and to provide for a retroactive effective date for the provisions of this Act.

H. 337. To amend Section 20-2-93, Code of Alabama 1975, relating to forfeitures and seizures of property and vehicles used in violation of the Alabama Controlled Substances Act so as to provide for the sale of such property and vehicles and to further provide for the use and disposition of the proceeds from the sale of forfeited property.

H. 121. To amend Sections 12-15-1 and 12-15-32 of the Code of Alabama 1975, relating to juvenile proceedings, so as to revise the age of juveniles.

H. 418. To amend Section 27-15-11, Code of Alabama, 1975, which relates to the reinstatement of lapsed life insurance policies, so as to make the maximum interest rate on amounts of overdue premiums and other indebtedness to the insurer, payable upon reinstatement, the same as the interest rate on policy loans as specified in the policy in accordance with Section 27-15-8, Code of Alabama, 1975.

H. 503. To promulgate "The Motor Vehicle Franchise Act" in order to provide for the regulation of motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

H. 516. To limit the amount of projected revenues the legislature may appropriate and to provide for certain supplemental appropriation over said limit.

H. 234. To amend Section 15-5-2 of the Code of Alabama 1975, relating to the grounds for issuance of a search warrant, so as to limit the issuance of search warrants for documents.

S. 1. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

S. 27. To provide for a durable power of attorney that may survive disability, incompetency, or incapacity or until actual knowledge of death of the principal.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 305. (With Amendment): To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 20. To amend Section 36-1-4.1, Code of Alabama 1975, which provides for payroll deductions of public employees for certain national health services, so as to include certain other associations within the definitions of charitable organizations as used in this section.

H. 410. To provide local school boards in this state an option whereby they may adopt certain basic standardized architectural plans for certain schools in their respective systems and to prescribe certain procedures and contract criteria for adopting and approving such plans.

H. 153. To amend Section 36-26-5 of the Code of Alabama 1975 relating to the state personnel board so as to further provide for the election of two state employees to the board.

H. 359. To provide for and regulate the sale, use, distribution and manufacture of certain fireworks; to provide for permits to be issued by the state fire marshal; to specifically prohibit certain fireworks and to define certain terms relating to fireworks and explosives; to prescribe penalties for violation of this Act; and to repeal sections 13A-11-100 through 13A-11-105, Code of Alabama 1975, relating to fireworks.

H. 178. This bill provides for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 414. (With Amendments): To amend Chapter 18 of Title 40, Code of Alabama 1975, to provide for the collection of debts owed to the State by setoff of such debts against income tax refunds; to define terms; to prescribe procedures for such setoff; to provide for hearings and appeals in contested cases; to permit the department of revenue to transfer an amount equal to income tax refunds to a claimant agency for the purpose of offsetting such refunds against debts owed to the claimant agency; to provide an effective date; to repeal conflicting laws; and for other purposes.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 464. To provide for the issuance of distinctive license plates to the recipients of the Medal of Honor.

H. 353. To amend Section 32-13-3 and Section 32-13-4, Code of Alabama 1975, in order to provide for notice by newspaper publication of the sale of an abandoned motor vehicle, to provide for notice by certified mail to the owner, secured parties or lienholders of the sale of an abandoned motor vehicle, and notice by newspaper publication if the name and address of the owner, secured parties or lienholders are unknown or cannot be reasonably ascertained, and to provide for a hearing in District Court or Circuit Court, on application of the owner, secured parties or lienholders, to determine if the vehicle is abandoned and should be sold.

H. 275. To prescribe a certain ceiling on valuations for motor vehicles for ad valorem tax purposes and to require that the Department of Revenue make re-evaluations annually.

H. 392. To provide that certain handicapped individuals shall be granted distinctive license plate decals or identification placards for use in special parking places reserved for such persons; to authorize reciprocal agreements with other states regarding such parking places and to provide penalties for misuse and abuse of such parking places.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 193. (With Substitute): To create a State Department of Human Services, a State Board of Human Services, county departments of human services, and county boards of human services; to create the chief executive officer who shall be known as the Commissioner of the State Department of Human Services who shall exercise all the rights, powers, authority, and duties thereof; to define the powers and duties of the State Department, of the State Board, of the county departments, and of the county boards; to transfer and confer upon the Department of Human Services all the powers and duties now or hereafter vested in the Department of Pensions and Security; and to provide that the Department of Human Services be substituted for Department of Pensions and Security in any litigation pending to which the Department of Pensions and Security in any litigation pending to which the Department of Pensions and Security is a party.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 387. To prohibit hazing in state-supported institutions; to define the term hazing, to set criminal penalties for violating this act and to deny state funding in certain instances.

H. 354. To amend further section 41-16-100 of the Code of Alabama 1975, as amended, so as to provide for trade-in of certain state property by the state financial director.

H. 355. To amend section 41-4-132, Code of Alabama 1975, relating to public printing and binding, so as to change the length of contracts for such printing and binding from two years to one year.

Rep. Cabaniss, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 91. To amend 27-3-11, 27-6-3, 27-27-29 and 27-41-4 to permit the use of clearing corporations and book-entry in connection with deposits and investments, and to permit the assets to be reflected on the books of clearing corporations and composed of book-entries.

H. 237. To provide definitions and certain categories of standards, policy provisions, minimum anticipated loss ratio standards and consumer disclosure requirements relating to disability policies designed and sold as Medicare Supplement policies and to provide authority for the Commissioner of Insurance to promulgate regulations implementing these requirements consistent with the uniform standards promulgated by the National Association of Insurance Commissioners for the purpose of meeting the requirements of Public Law 86-265 (1980) to preserve to the State of Alabama the continued regulation of disability policies sold as Medicare Supplement coverage.

H. 239. To amend § 36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department of Insurance in examinations of insurers conducted outside of the State of Alabama.

H. 240. To prohibit the delivery or issuance for delivery in this state of any policy of burial insurance which provides benefits solely in the form of merchandise and services incident to the burial of the insured or which provides an alternative cash benefit in an amount less than the retail value of the merchandise and services stated in the policy; to specifically authorize the delivery or issuance for delivery in this state of insurance policies which provide benefits payable in funeral services and merchandise or in money in an amount equal to the retail value of such funeral services and merchandise; to specifically authorize the performance or the contracting for performance of any policy of burial insurance issued or outstanding prior to the effective date of this Act or any renewal or reinstatement thereof.

H. 241. To amend Section 27-2-31 Code of Alabama 1975 extending immunity from civil liability of the Commissioner of Insurance for negligent acts on his part in performing his required and discretionary duties.

H. 242. To amend § 27-30-33, Code of Alabama 1975 requiring Mutual Aid Associations to follow the provisions of the Insurance Holding Company System Regulatory Act found in Chapter 29 of Title 27, Code of Alabama 1975.

H. 244. To prohibit the formation of new Mutual Aid Associations under the provisions of § § 27-30-1 through 27-30-33, Code of Alabama 1975.

H. 245. To amend § 27-2-16, Code of Alabama, 1975, so as to repeal requirements that the Commissioner of Insurance publish an annual list of insurance agents and insurers and a booklet, annually, containing each and every question to be used in a written examination of applicants for license under Chapters 7 and 8 of the Insurance Code.

Rep. Whately, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 527. (With Amendments): To license and regulate grain dealers under the State Department of Agriculture and Industries; to require posting of bonds by dealers for the benefit of producers; to provide for inspection and investigation of grain dealers' operations and provide for hearings and suspension or revocation of grain dealers' licenses.

Rep. Whately, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 498. To amend Section 2-8-9 and repeal Section 2-8-14 of the Code of Alabama 1975 providing for a promotional program for the production, marketing, use and sale of cattle so as to further provide for the length of the period of assessment after a referendum on that subject and to repeal provisions providing for an election by cattle owners not to pay an assessment.

H. 372. To provide that, with respect to the sale of certain livestock, there shall be no implied warranty that such livestock are free from disease, provided that all federal and state statutory and regulatory requirements are complied with concerning the inspection and disease control of such livestock.

H. 473. To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 327 relating to the promotion of production, research and development of swine and swine products so as to provide for a change in the assessment and assessment limits to be levied for such promotion.

The above bill was read a second time at length as required by the Constitution.

H. 474. To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 315 relating to the promotion of production, distribution, improvement, marketing, use and sale of soybeans and soybean products so as to provide for a change in the assessment limits to be levied for such promotion.

The above bill was read a second time at length as required by the Constitution.

H. 487. To amend Section 9-16-2 of the Code of Alabama 1975 relating to surface mining reclamation so as to exempt certain chert pits from the provisions of Article 1 of Chapter 16 of Title 9 of the Code of Alabama 1975.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 64. (With Amendment): To amend Sections 2-10-21 and 2-10-23, Code of Alabama 1975, by raising initial permit fees to \$25.00; to require annual renewal permit fees of \$10.00.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 73. To amend section 2-30-42 of the Code of Alabama 1975 which relates to the Alabama experiment station system, so as to provide for Sub-agricultural experiment stations; to provide for distribution procedures of any appropriations made for maintenance and operation of the experiment station system or of the Sub-agricultural experiment stations; and to repeal sections 2-30-60, 2-30-61, and 2-30-62 of the Code of Alabama 1975 which relate to the central artificial insemination unit.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 207. (With Amendment): To amend Title 9, Section 11, Subsection 87, of the Code of Alabama, 1975 so as to allow the taking of fish from water by a spear or similar instrument both by hand and propelled by a projectile.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 427. To limit the liability of landowners toward persons who may be upon those lands that the owners have made available for non-commercial outdoor recreational purposes.

H. 428. To prohibit the transfer of title or interest in real property to or from any state department, agency, board or institution unless it shows on the face of the deed or other document effecting such transfer that it has been recorded in the office of the land agent, Department of Conservation and Natural Resources.

H. 429. To provide for the appointment of the director of the state parks division by the Advisory Board of the Department of Conservation and Natural Resources.

H. 435. To amend Section 9-2-7, Code of Alabama 1975, which provides for powers and duties of the Commissioner of Conservation as to game, fish and seafood generally, so as to empower the commissioner to issue no more than 25 special permits for the purpose of promoting Alabama's outdoor recreation.

Rep. Willis, Chairman of the Standing Committee on Natural Resources reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with Amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 467. (With Amendment): To amend §§ 33-5-11, 33-5-15 and 33-5-16 of the Code of Alabama 1975 so as to prescribe proof of ownership when applying for a certificate of registration and to increase the fee for transfer and duplicate certificates of registration.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 513. To amend Sections 9-11-48 and 9-11-49, Code of Alabama 1975, which provide for nonresident licenses for hunting trips, so as to extend the period of the trip to seven days.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 24. (With Substitute): Relating to property and casualty loss insurance policies; prescribing certain time limits for the payment of claims by such insurers and providing certain penalties for failure to pay such claims within such time limits.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 452. To provide for the domestic violence shelters to grant relief from family violence disturbances; to prescribe the duties, responsibilities and powers of each regional mental health facility and the department of mental health relating to administering the provisions of this Act; to provide for certification, process, contracting and certain funding for facilities and programs which provide service for victims of domestic violence; to authorize each regional facility to formulate and conduct certain research, evaluation and educational programs related thereto within its jurisdiction or community; to empower the said regional facilities to enlist the assistance of certain public, voluntary and state agencies; to authorize contracting for services or shelter; to prescribe that the regional facilities and the department shall make certain reports; to provide certain matching funds for qualified applicants for contracting services or shelter, and to establish eligibility and standards therefor; to prescribe that certain information shall be confidential; and to increase marriage license fees for purposes of funding the provisions of this Act.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 125. (With Amendment): To amend further Sections 11-46-92, 11-46-93, 11-46-96, 11-46-98, 11-46-99, 11-46-107, 11-46-109, 11-46-112 and 11-46-126, Code of Alabama 1975, as amended, which Sections relate to cities and towns which have a population of 300,000 inhabitants or less which are organized under a commission form of government, so as to improve and clarify such election procedures.

H. 129. (With Amendment): To amend further Sections 11-46-21, 11-46-22, 11-46-25, 11-46-27, 11-46-28, 11-46-36, 11-46-38, 11-46-41, and 11-46-55, Code of Alabama 1975, which Sections relate to election procedures in cities and towns of this state which have a population of 300,000 inhabitants or less, except cities and towns organized under a commission form of government, so as to improve and clarify such election procedures.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 200. To propose a constitutional amendment amending further Section 217, Constitution of Alabama of 1901, as amended by Constitutional Amendment No. 325 and Constitutional Amendment No. 373, relating to ad valorem property taxes levied by the state and all counties, municipalities and other local authorities, so as to allow the tax assessor of the various counties to define, classify, value and assess a single family owner-occupied residential property as a portion or part of improvements to land.

The above bill was read a second time at length as required by the Constitution.

Rep. Holley, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 204. Requiring pipeline systems transporting hazardous liquids to comply with certain standards of safety; granting certain additional rights, powers and authority to the Alabama Public Service Commission to carry out the purposes of this Act; prescribing jurisdictions of courts for injunction proceedings; and prescribing monetary sanctions for violations of certain standards of safety.

H. 336. To authorize the Highway Director to administer programs relative to public transportation in rural and urban areas, to perform public transportation planning, to provide technical assistance to local entities for formulating public transportation projects, to assure that public transportation projects are in accordance with the comprehensive transportation planning process, to expend State funds apportioned by the legislature from time to time for public transportation, to develop and promulgate rules and regulations pertaining to public transportation, and to administer public transportation programs enacted by the Legislature of Alabama with such flexibility as is found to be in the public interest.

H. 447. To require every railroad conductor and engineer who operates a train in this state to carry on his person a qualification permit while on duty in train service.

Rep. Holley, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 221. (With Amendment): To authorize the creation of Alabama Municipal Electric Authority as a public corporation of the State of Alabama; to authorize the Authority, as sole owner or in common with others, to acquire, construct, reconstruct, improve, equip, alter, repair, place into operation, operate, maintain and dispose of projects embracing generation, transmission and distribution of bulk electric power and energy and to acquire, construct, and equip all property and things necessary to convenient for the purposes of the projects and acquisition, construction, maintenance, and operation thereof; to authorize the Authority to enter into contracts providing for the prepayment by the Authority of charges for bulk electric power and energy; to confer powers, including, among others, the power of eminent domain (subject to certain limitations), and the power to employ personnel and contract for indemnification of its officers, employees, and the members of the board of directors of the Authority; to impose duties on the Authority; to provide for the membership and operation of the Authority; to establish an election committee to elect the board of directors of the Authority; to establish the board of directors of the Authority; to authorize the Authority and municipalities, municipal electric utility boards and public corporations owning or operating electric distribution systems to execute contracts for the sale of the output, capacity, use or service of the projects and to enforce the performance thereof and to specify the wholesale character of such sales; to authorize the Authority to enter into interconnection arrangements with certain persons; to authorize the Authority to fix and revise rates and other charges with respect to the output, capacity, use or service of projects and require that those rates or charges be sufficient, along with other revenues and funds of the Authority, to meet certain expenses; to authorize the issuance and to provide for the negotiability of bonds, bond anticipation notes and notes of the Authority payable from the revenues and other available funds of the Authority to pay the costs of the projects; to authorize the collecting and pledging of revenues and other funds and assets of the Authority for the payment of the bonds, bond anticipation notes and notes and for the cost of operating, maintaining, and repairing the projects; to authorize the execution of trust and security instruments relating to the Authority's property to secure the payment of the bonds; to provide rights for the owners of the bonds, bond anticipation notes, and notes; to provide for the appointment of a receiver upon certain events; to provide that the bonds shall not constitute a debt of the State nor of any municipality, municipal electric utility boards or public corporations owning or operating an electric distribution system; to make the bonds legal investments and to exempt the bonds, bond anticipation notes and notes, and the income therefrom and interest thereon, along with all income and property (and filings with respect thereto) of the Authority from taxation; to provide for certain payments to be made by the Authority in lieu of ad valorem, sales, use, license and severance taxation; to exempt the bonds, bond anticipation notes and notes from the provisions of the State's usury laws; to exempt the purchase, sale or use of property by the Authority from all sales, use and license taxes in the State; to authorize the issuance of refunding bonds; to provide for validation of the bonds and the security therefor and any contracts related thereto; to provide that all funds received by the Authority shall be trust funds to be applied only as provided in this Act; to authorize the issuance of bond anticipation notes and notes and provide for the payment and terms thereof; to exempt the Authority from the provisions of the Public Service Commission law; to exempt the construction, operation or acquisition of electric light plants by the Authority from the provisions of Sections 37-4-60 through 37-4-65, Code of Alabama 1975; to fix the jurisdiction of actions relating to any provisions of this Act; to provide for the dissolution of the Authority; to exempt the Authority from the operation of the Alabama Sunset Law of 1976, and from the competitive bid laws

contained in the Code of Alabama 1975; to repeal all laws and parts of laws in conflict herewith; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 357. To authorize and make provision for the incorporation through the joint action of any county and any single municipality located in such county of one or more public corporations for the purpose of acquiring, maintaining and operating public hospitals and appurtenant facilities in such county; to provide for the election and compensation of directors of any such corporations; to provide for the powers, authorities and duties of any such corporation and its board of directors; to provide for the issuance by any such corporation for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of any taxes allocated or appropriated to it or revenues from any of its hospital facilities, or any combination of any thereof; to provide that such securities shall be secured by a pledge of the revenues from which they are payable and may be secured by nonforeclosable mortgages and deeds of trust and trust indentures and other agreements respecting the application of its funds and other matters: to provide for the use of the proceeds of any such securities issued by any such corporation; to provide for the refunding by any such corporation of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such corporation pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such corporation eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of any such corporation, and all securities issued by any such corporation and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such corporation is a party, from all taxation in the state; to exempt every such corporation from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such corporation from payment of certain charges to Judges of Probate; to exempt every such corporation from all laws of the State governing usury or prescribing or limiting interest rates; to grant to every such corporation the power of eminent domain; to make applicable to every such corporation certain provisions of Title 22 of the Code of Alabama of 1975 pertaining to the designation of county health agencies and the application of certain county taxes; to make applicable to every such corporation certain provisions of Title 11 of the Code of Alabama of 1975 pertaining to tort claims and judgments against local governmental entities; to authorize any county authorizing the creation of such a corporation and any municipal or public corporation or agency in such county to donate hospital facilities and other property to such corporation; to provide for the disposition of the earnings, if any, of any such corporation; and to provide for the dissolution of any such corporation and the disposition of its property.

H. 373. To amend Section 11-41-8, Code of Alabama 1975, as amended, so as to validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama which might be invalid because of any irregularity in the procedure for incorporation.

H. 366. To authorize and make provision for any county or any department, board, bureau, commission or agency of any county, whether incorporated or not, or any county public corporation incorporated with the approval of, or more than one of the directors of which are elected or appointed by the governing body of any county, to apply for, accept and receive,

expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each county and each such county public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations, to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; to provide that an issuer of securities shall be free from state supervision and control and from the provisions of Chapter 8, Title 11, CODE OF ALABAMA 1975; and to authorize counties and such county public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such county or such county public corporation under authority of laws other than this act.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 420. Relating to Fayette County; to provide further for the compensation of certain election officers.

H. 421. To create the office of license commissioner in Houston County; to provide for his appointment; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 443. (With Amendment): Relating to the Eleventh Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies or upon appeals to the circuit courts from lower courts.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 492. Relating to Cleburne County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

H. 493. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

H. 494. Relating to Cleburne County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

H. 495. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

H. 519. To provide for an increase of \$10.00 in the court costs which may lawfully be imposed upon conviction, in the municipal court of the Town of Grove Hill, for violation of any municipal ordinance, in addition to all such costs presently authorized by law and to provide that such additional sums be paid into the general fund of the Town of Grove Hill and used by it for promotion of law enforcement.

Rep. Hammett, Chairman of the Sunset Committee, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 92. Relating to the continued existence and functioning of the State Board of Bar Examiners provided for in Sections 34-3-1 through 34-3-108 of the Code of Alabama 1975, as amended, specifically in Sections 34-3-2 and 34-3-40.

H. 93. Relating to the continued existence and functioning of the Board of Dental Scholarship Awards provided for in Sections 16-47-76 through 16-47-81 of the Code of Alabama 1975, and as otherwise provided by law.

H. 94. Relating to the continued existence and functioning of the Board of Medical Scholarship Awards provided for in Sections 16-47-121 through 16-47-129 of the Code of Alabama 1975, and as otherwise provided by law.

H. 95. Relating to the continued existence and functioning of the State Pilotage Commission provided for in Sections 33-4-1 through 33-4-57 of the Code of Alabama 1975, and as otherwise provided by law.

H. 96. Relating to the continued existence and functioning of the State Real Estate Commission provided for in Sections 34-27-1 through 34-27-38 of the Code of Alabama 1975.

H. 97. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54 of the Code of Alabama 1975, with certain modifications; to amend sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$100.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure; remove quasijudicial status and civil immunity status from the board; and require all members of the board to be licensed auctioneers.

Rep. Hammett, Chairman of the Sunset Committee, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 98. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Services as provided in Sections 34-13-1 through 34-13-134 and Sections 34-13-150 through 34-13-152 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-13-4, 34-13-10, 34-13-23, 34-13-28, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131; and to repeal Section 34-13-30 of the Code of Alabama 1975 so as to: Eliminate the requirement of the board to distribute statutes and regulations each four years and instead distribute only upon request; declare certain violations as misdemeanors and allow appropriate prosecution; provide further clarification concerning travel expenses of the board; require annual reporting to the Governor and to the Legislature instead of to the Secretary of State; authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; distribute directory of licensees only on request instead of annually; allow board to increase annual renewal fees for funeral directors and embalmers up to \$25.00 and up to \$100.00 for operators; provide penalties of up to \$25.00 for lapsed licenses; allow board to increase application fees for funeral directors and embalmers up to \$100.00; require board to charge \$15.00 for second or subsequent inspections of prospective licensed establishments; allow board to increase application fee for funeral establishments up to \$300.00; lower minimum age and educational requirements for funeral director or embalmer apprentices; allow board to increase apprentice fees up to \$20.00; require apprentice time to be supervised; and to repeal a provision of law which transferred funds to the board from its predecessor board, the purpose of which has been served.

H. 99. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners of Mine Personnel as provided in Sections 25-9-9 through 25-9-18, Code of Alabama 1975, as amended, with certain modifications; to amend Sections 25-9-9 and 25-9-10 of the Code of Alabama 1975, so as to: Authorize the board to increase examination fees not to exceed \$60.00; and to authorize per diem for board members up to the maximum allowed for state employees.

Rep. Hammett, Chairman of the Sunset Committee, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 100. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Polygraph Examiners as provided in Sections 34-25-1 through 34-25-36 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-25-4, 34-25-5, 34-25-20, 34-25-21, 34-25-24, and 34-25-29, Code of Alabama 1975; and to repeal Section 34-25-3 of the Code of Alabama 1975, so as to: Eliminate the requirement that appointees to the board be approved by the senate; remove the board's authority to set travel and expense allowances; authorize the board to set salaries of its employees and hire temporary investigatory employees; provide further for the collection and use of fees of the board; provide for \$50.00 per day plus mileage allowance for board members when meeting; provide same mileage and per diem travel expenses for board members as are paid to state employees; authorize board to determine which expenses of the board are necessary, subject to state bid law; provide board's purchases may be made through state finance department purchasing agency; exempt board from payment of state sales tax; lower age requirement for examiners from 25 to 21; alter the baccalaureate requirement of examiners; to place board on same fiscal year as the state; and to repeal Section 34-25-3, Code of Alabama 1975, which prescribes the type of instrument examiners must use.

H. 103. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Speech Pathology and Audiology as provided in Sections 34-28A-1 through 34-28A-44 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-28A-21, 34-28A-23, 34-28A-24 and 34-28A-40 of the Code of Alabama 1975, so as to: Require applicants to pass an examination approved or promulgated by the board; remove requirement of board to maintain permanent records of all examination scores; provide that four (4) board members constitutes a quorum; and delete a waiver of examination provision (grandfather clause) which has served its purpose.

H. 105. To terminate the existence and functioning of the State Board of Registration for Sanitarians, and to transfer its training funds or monies, duties and functions to the State Health Department.

H. 106. To repeal Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, as amended, so as to terminate the existence and functioning of the Alabama Board of Social Work Examiners, to provide for an effective date, and to revert any monies of said board to the state general fund.

H. 107. To repeal Sections 10-4-360 through 10-4-364 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Yacht Club Association and to provide for an effective date.

H. 108. To terminate the state agency for social security, and its advisory board, created by Section 36-28-3, Code of Alabama 1975, and to transfer the functions, duties and responsibilities, including any federal contractual obligations, to the state retirement systems; to provide that all monies collected by the board, and thereafter by the retirement systems, shall be transferred to the state treasury and that any accrued interest thereon shall be credited to the state general fund, and to provide that the provisions hereof shall become effective September 30, 1981.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 39. (With Amendment): To amend section 17-6-13 of the Code of Alabama 1975, relating to compensation of election officers, so as to increase such compensation.

H. 255. (With Amendment): To amend Section 17-6-13, Code of Alabama 1975, which section provides for the compensation of county election officials, so as to provide further for the compensation of such officials.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 86. Relating to Marengo County; authorizing the county commission to increase the mileage allowance of the county coroner and providing for its retroactive effect.

Also:

H. 251. Relating to St. Clair County; to further amend sections 3 and 9 of Act No. 243, H. 509, of the Regular Session of 1979 relating to a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board and who shall have the authority to suspend an employee for certain reasons.

Also:

H. 252. Relating to St. Clair County; to provide for additional per diem payments to each member of the Board of Equalization.

Also:

H. 253. Relating to St. Clair County; amending Act No. 80-520, H. 1057, 1980 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to limit the mileage allowance to only the returning officer.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution as introduced:

By Reps. Gafford, Biddle, Waggoner and Reed:

H. J. R. 84. DEPLORING THE RUTHLESS MURDER OF YOUNG BLACKS IN ATLANTA, GEORGIA.

WHEREAS, within the past 19 months, the City of Atlanta, Georgia, has been plagued with the disappearance of eighteen young Blacks, seventeen of whom have thus far been found brutally murdered at the hands of one or more sadistic killers; and

WHEREAS, regrettably, this series of heinous crimes in our neighboring state is yet another of ever increasing occurrences of repeated murders by maniacs whose less-than-human actions evidence the decadence of our society, brought on by failure in our homes and schools to instill even basic values in our children; and

WHEREAS, in fervent prayer that the person or persons responsible for the deaths of the children in Atlanta is soon apprehended, we further beseech a return to morality in our great nation which recognizes the sanctity of human life and attests to such through justice which swiftly punishes, in kind, the taking of another's life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express profound sorrow and regret in the slayings of seventeen young black children in the Atlanta area, and earnestly hope for a quick solution to these vicious murders.

BE IT FURTHER RESOLVED, That also we call for a return to the once high morality of our nation which was based on teachings in our homes, schools and churches that placed high values on human life and the rights of others, and on a system of justice which meted swift, harsh punishment to those who violated these fundamental rights.

On motion of Rep. Gafford the rules were suspended and the resolution, H. J. R. 84, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Seibels, Minus, Gilmer, Adams (H), Parker, Johnson (R. G.), Howard, Whatley and Hammett:

H. 531. To provide that when any member of any reserve police force of an incorporated municipality, while acting in the line and scope of his authority and in good faith, makes an effort to protect and preserve property or makes an effort to preserve the peace, that such member shall not be liable for any civil damages as a result of any act or omission, provided they are not guilty of wanton misconduct.

Judiciary.

By Reps. Seibels, Cosby, Minus, Parker, Payne, Olive, Gilmer, Adams (H), Johnson (R. G.), Whatley and Hammett:

H. 532. To make it unlawful to picket in such manner at or near municipal buildings or municipal facilities so as to prevent, impede or hinder usual or customary movement or use of police, fire or other emergency vehicles; to prescribe penalties.

Judiciary.

By Reps. Smith (J), Kelley and Drinkard:

H. 533. Relating to the reorganization and restructuring of the civil defense department into the emergency management agency; providing further for civil defense functions and jurisdictions; amending Section 29-3-15, providing further for emergency interim successors; amending and providing further for Sections 31-9-1 through 31-9-4, 31-9-6, 31-9-7 through 31-9-24, relating to the name of the short citation; changing the concept of civil defense activities to that of comprehensive emergency management and including areas which are from natural, man-made and technological causes; changing the name of civil defense to emergency management; prescribing the director's powers and compensation and his manner of appointment; providing for powers of the governor in emergency management; providing cooperation for related organizations or agencies of the state and political subdivisions; defining the types and conditions of emergencies covered and exceptions thereto; providing for the taking or using of property and providing compensation therefor; providing for evacuation; providing for the duties, powers and jurisdiction of the local emergency management organizations; providing for joint cooperation in establishing local emergency management organization, involving counties or municipalities; providing for local cooperation; providing for conditions of immunity; providing reimbursement of expenses incurred by other states in operating mobile support units and reciprocal provisions; prescribing that the laws, ordinances, rules and regulations of the Governor during such emergencies shall have full force and effect of law when filed with the secretary of state; prescribing special powers of arrest for peace officers; providing for state's immunity powers and exemptions for certain persons for license requirements; prescribing the powers and duties of emergency management workers; providing for the acceptance of services, equipment, supplies, materials or funds, gifts, grants or loans for

the state; prohibiting any form of political activity; prescribing oaths of office and the form therefor; providing for compensation insurance for emergency management workers or trainees; prescribing penalties for violating provisions of this Act; providing the manner appropriations shall be expended; providing for matching funds for grants; providing for emergencies which require immediate action to protect the public health, safety and welfare and the powers of the emergency management agency therefor and exemptions therefrom; and prescribing the state board of health and the radiation control agency shall have certain areas of authority with respect to radiation and hazardous waste, pursuant to Title 22 of the Code of Alabama 1975, which shall exempt them from the provisions of this Act; renumbering various code sections; providing all personnel, duties, responsibilities, authority, power, assets, liabilities, contractual rights and obligations, property rights, whether real or personal, and funds, all whether accruing or vested in the civil defense department are transferred with the effective day of this Act to the emergency management agency; and providing for repeal of conflicting laws.

State Administration.

By Rep. Smith (J):

H. 534. To make a supplemental appropriation from the general fund of the state treasury to the emergency management agency for the current fiscal year for its operations and transition to comprehensive emergency management functions.

Ways and Means.

By Rep. Dixon:

H. 535. To provide for the licensure and regulation of any person, partnership, association or corporation engaged in servicing, recharging, repairing, testing, inspecting or installing fire extinguishers and fire systems; to prescribe further duties and powers of the State Fire Marshal; to provide for the inspection of portable fire extinguishers at regular intervals; to authorize the State Fire Marshal to promulgate rules and regulations for the administration of this act; to provide that moneys collected pursuant to this act shall be deposited in the State Fire Marshal's Fund; to authorize the State Fire Marshal to expend funds from the State Fire Marshal's Fund for the administration and enforcement of this act; to prescribe license fees pursuant to this act; and to prescribe penalties for violation of the act.

Ways and Means.

By Rep. Adams (C):

H. 536. To amend Section 17-22-3, Code of Alabama 1975, which relates to an enumeration of activities which constitute corrupt political practices, so as to remove the activities of promoting, aiding, or contributing to the success or defeat of any political proposition or any question or proposition submitted to a vote of the people.

Judiciary.

By Rep. Adams (C):

H. 537. To make further provisions for the issuance of obligations by the Alabama Highway Finance Corporation by amending Article 7 of Chapter 1 of Title 23 of the Code of Alabama, 1975, as amended, so as to exempt all

obligations issued by the Corporation from the laws of the State governing usury or prescribing or limiting interest rates including but without limitation to the provisions of Chapter 8 of Title 8 of the Code of Alabama, 1975.

State Administration.

By Reps. Escott, Kennedy, Horn, Nevett, Howard, Albright, Turner and Hall:

H. 538. To prohibit any zoning board from passing or enforcing any rule, regulation, or ordinance which prohibits persons from residing together in any single-family residential area solely on the basis they are non-related.

Local Government.

By Rep. McKee:

H. 539. To amend Section 2-7-7, Code of Alabama 1975, which Section relates to a payment by the Alabama Agricultural and Industrial Exhibit Commission to the South Alabama State Fair Association for premiums, awards and prizes given at said Fair to exhibitors of cattle, sheep, goats, hogs, agricultural shows or exhibits, fine art shows, exhibits for 4-H Clubs, Future Farmers of America, and Future Homemakers of America, poultry and other types of exhibits so as to remove a limitation of \$10,000.00 which the said Section imposes.

Ways and Means.

By Rep. Amari:

H. 540. To provide that any justice or judge of the supreme court or a court of appeals who was holding office with such court on or before June 1, 1976, and who had time of service as a full-time state prosecutor or assistant prosecutor may have such service credited as time in a judicial position with the Judicial Retirement System; to provide that such credit shall be limited to 5 years; to provide that any such justice or judge must pay into the Judicial Retirement Fund a sum equal to 6% of his then annual salary for each year of such credit desired; and to further provide a one year period in which such election and purchase shall be completed.

Ways and Means.

By Rep. Coburn:

H. 541. To further amend sections 25-4-16, 25-4-72, 25-4-77, 25-4-78, and 25-4-118, Code of Alabama 1975, as last amended, so as to include in the definition of "wages" certain payments for vacation periods, holidays, separations and dismissals and the unemployment and social security taxes imposed on employees by this chapter and 26 USC 3101 (except for domestic service in a private home or for agricultural labor) which are paid by the employer without deduction from the employee; to provide, effective for tax rate years beginning in 1982 and thereafter, for the method of computation of the amount of annual wages excluded from definition of "wages"; to provide for the determination of individual weekly benefit rates and the maximum and minimum rates therefor at specified times and for conditions for continued eligibility; to require, as a condition for eligibility to regular state benefits, the serving of a one-week waiting period prior to receipt of benefits; to provide that an individual who was discharged for acts of misconduct be ineligible to receive benefits until such individual has reentered employment; to increase the period of disqualification for refusing to accept an offer

of suitable work from 1 to 10 weeks to 3 to 26 weeks and to include with other considerations whether sufficient evidence of the individual's prospects of obtaining a job in his customary occupation at an early date is furnished; to provide disqualification during any week with respect to which an individual is to receive vacation or holiday pay or dismissal or separation allowance which is based on prior service; to restrict disqualification for receipt of a pension so as to remove the requirement for "seeking a pension" and to credit the pension payment by a percentage (up to 50%) which represents the ratio of the individual's contribution to the pension plan in relation to the total contribution and to authorize the director to release information to public agencies in connection with child support and food stamp cases and to public officials in the performance of their official duties and to set the penalty for obtaining such information falsely or for its misuse.

State Administration.

By Reps. Turner, Harper (T), Parker, Minus, Zoghby, Ward, McMillan, Sandusky, Bowling, Boles, Biddle, Trammell, Langford, Stewart, Howard, Waggoner, Willis, Blake, Harper (O), Rains, Grimsley, Edwards, Mitchell, Olive, Moore, Cabaniss, Gilmer, Greer, Albright, Hall, Ford, Harvey, Riddick, Horn, Escott, Roberts, Letson, Brakefield, Johnson (Roy), Cooley, Dial, Bennett, Gafford, Smith (C), Smith (M), Gregg, Coburn, Goodwin, Kelley, Crow, Carothers, Whatley, Sasser, Williams, Laird, Warren, Clark (W), Bedsole, Dixon, Daniels, Penry, Hines, Venable, Kennedy, Buskey, Naramore, Holley, Shoemaker, Adams (H) and Drinkard:

H. 542. To amend further Section 40-23-1, Code of Alabama 1975, relating to sales and use taxes so as to further define the term, "wholesale sale or sale at wholesale", as it relates to certain tangible personal property or products.

Ways and Means.

By Rep. Bedsole:

H. 543. To amend Sections 6-5-351 and 6-5-391 of the Code of Alabama 1975, relating to the rights of a father, or in certain circumstances, a mother, in bringing an action for the seduction or wrongful death of his minor child, so as to provide that the individual or agency having custody may bring such an action under certain conditions, and to provide for the distribution of any recoverable damages that may be awarded.

Judiciary.

By Rep. Dial:

H. 544. To make conditional appropriations from the State General Fund to the Revenue Sharing Trust Fund for reimbursement purposes.

Ways and Means.

By Rep. Kelley:

H. 545. To amend Section 9-17-26 of the Code of Alabama 1975, relating to oil and gas 2% production tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

State Administration.

By Rep. Kelley:

H. 546. To amend Section 40-20-5, of the Code of Alabama 1975, relating to oil and gas severance tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

State Administration.

By Rep. Kelley:

H. 547. To amend Section 25-4-75, Code of Alabama 1975, as last amended, to comply with the requirement of federal law as contained in Public Law 96-499 relating to benefits under the extended benefit program so as to provide for a limit to the first 2 weeks of benefits paid on an interstate claim filed in an agent state where no extended benefit period is in effect; to provide restrictions on eligibility for such benefits to individuals who fail to accept any offer of suitable work and to define "suitable work", actively engage in systematic and sustained effort to find work and to furnish tangible evidence of such efforts; to provide penalties for violations thereof; and to meet the requirements that these provisions become effective for weeks of unemployment commencing after March 31, 1981.

State Administration.

By Rep. Turnham:

H. 548. Authorizes members of the State Employees Retirement System and Teachers Retirement System, who are contributing to their respective fund as of October 1, 1981, to purchase credit up to four years for retirement purpose for service as a member in the Armed Forces of the United States. Authorizes payroll deduction under certain conditions. Provides for termination date of this act. Repeals any laws in direct conflict with this act.

Ways and Means.

By Reps. Cates, Owens, Cabaniss, Sasser, Pegues, Moore, Manley, Clark (G), Minus, Willis, Carter, Riddick, Shavers, Sandusky, Coburn, Dial, McKee and Waggoner:

H. 549. To provide for the rate of interest on overdue or overpaid taxes administered by the state department of revenue; and to provide that the percentage of such tax in excess of the present rate of interest assessed by the said department shall be deposited in the general fund of the state treasury.

Ways and Means.

By Rep. Bennett (With Notice and Proof):

H. 550. To raise revenue for the Birmingham-Jefferson County Transit Authority by levying a certain additional county sales and use tax, paralleling state sales and use taxes, with such additional taxes becoming effective in the incorporated municipalities of said county only upon adoption of a resolution of participation in such transit authority by the governing bodies of such municipalities; to provide for the administration and collection of such additional taxes by the Jefferson County Department of Revenue; to provide for disposition of the proceeds of such additional taxes between the incorporated and unincorporated areas of said county and said transit authority to prescribe penalties and rules for enforcement and to specifically repeal Act No. 232, H. 502, 1977 Regular Session of the Legislature (Acts 1977, p. 305), and all other laws in conflict with this act.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 550, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Waggoner and Amari:

H. 551. To create three additional judgeships for the Tenth Judicial Circuit of Alabama; to provide for the election of such judges; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judges, and to render such judges liable to all the pains and penalties of other circuit judges in the state; to further provide for a division of authority and duties between judgeships in said circuit; to increase the number of circuit judges in the Tenth Judicial Circuit of Alabama to 23; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Ways and Means.

By Reps. Waggoner, Cabaniss and Lewis:

H. 552. To amend Section 11-54-95 of the Code of Alabama 1975 so as to permit the filing of for record in the office of the judge of probate without the payment of any tax or fees (other than recording fees) not only any leases made by a municipal industrial development board but also any agreements or contracts of sale made by any such board and any deeds or other documents whereby properties are conveyed by any such board pursuant to a contractual obligation or as a result of the exercise of an option granted by such board, and so as to provide that such documents, as well as the others referred to in said Code section, may be so filed without the payment of any taxes or fees (other than recording fees) not only in the office of the judge of probate of the county in which such board is organized but also in the office of the judge of probate of any county in which any property involved is located.

Ways and Means.

By Reps. Ward, Whatley, Grimsley, McMillan, Starkey, Letson, Zoghby, Brakefield, Turner, Minus and Daniels:

H. 553. This bill provides for the abolishment of the Modular Housing Division of the Alabama Development Office and transfer of all of the personnel, funds, appropriations, papers, documents, files, materials, equipment, supplies, duties, responsibilities and other effects of the Modular Housing Division of the Alabama Development Office to the office of the Alabama State Fire Marshal, a division of the Alabama Insurance Department.

State Administration.

By Reps. Ward, Whatley, Grimsley, McMillan, Starkey, Letson, Brakefield, Zoghby, Turner, Minus and Daniels:

H. 554. This bill provides for the certification of manufactured buildings; to provide for the regulation, administration and enforcement of the provisions of this Act by the Alabama State Fire Marshal and to provide penalties for violations of this Act or any rule or regulation promulgated hereunder.

State Administration.

By Rep. Moore:

H. 555. To repeal Section 22-25-14 of the Code of Alabama 1975, relating to the certification of operators and trainees of water distribution systems or wastewater treatment plants.

Health.

By Reps. Williams and Grimsley:

H. 556. To provide for prohibition of the possession, concealment, manufacture, purchase, transport, sale, delivery, distribution or endeavor to sell, deliver or distribute any short-barreled shotgun or short-barreled rifle; to provide criminal penalties for violations of this act; to provide for the forfeiture and condemnation of short-barreled shotguns and short-barreled rifles.

Judiciary.

By Rep. Gafford:

H. 557. To set the maximum rate that can be charged by newspapers in Alabama for advertising at the amount presently being charged at the enactment of this Act.

Banking.

By Rep. Smith (C):

H. 558. To propose an amendment to the Constitution providing that regular sessions in all even-numbered years shall be limited to subjects pertaining to local legislation and matters of the budgets and to set the duration of said sessions.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Reps. Kennedy, Turner, Zoghby, Clark (W), Warren, Stewart and Buskey:

H. 559. To amend Section 26-14-1, Code of Alabama 1975, relating to the reporting of abuse or neglect of children, so as to explicitly add the terms "sexual exploitation" or "attempted sexual exploitation" to the definition of child abuse and to explicitly define the terms "sexual abuse" and "sexual exploitation."

Judiciary.

By Reps. Kennedy, Turner, Zoghby, Clark (W), Warren, Stewart and Buskey:

H. 560. To amend Section 26-10-4, Code of Alabama 1975, relating to adoptions, so as to further regulate the opening by the state registrar of vital statistics of the sealed package, on file in his office, containing the original certificate of birth with the decree of the court, upon demand of an adopted child who has attained his majority.

Health.

By Rep. Harper (T) (With Notice and Proof):

H. 561. Relating to Mobile County; to authorize the county commission to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing dirt, clay, sand,

gravel, rocks, stone, topsoil, oyster shells, or sea shells within the county and transporting said materials out of the county; to provide that the proceeds from the tax be distributed to the county road and bridge fund; to authorize the tax collector to inspect the books of each person severing said materials; to authorize the county commission to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; to set certain bookkeeping requirements and to prescribe penalties for the violations of the provisions of this act.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 561, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

RESOLUTION

The following resolution was introduced:

By Rep. Adams (C):

H. J. R. 85. PROVIDING FOR POSTPONEMENT OF THE INTRODUCTION OF THE SPECIAL EDUCATIONAL TRUST FUND AND GENERAL FUND BUDGETS.

WHEREAS, the present economic crisis has complicated state revenue projections for the 1981-82 fiscal year; and

WHEREAS, all necessary information concerning available state revenues for the next fiscal year is not available due to prospective changes in income due to savings and increased income; and

WHEREAS, the Alabama Legislature recognizes the complexities involved in preparing budgets in these inflationary times; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we hereby agree to postpone receiving the Governor's Special Educational Trust Fund and General Fund budgets until no later than the 9th legislative day.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Adams (C) offered the motion to suspend the rules and adopt the resolution, H. J. R. 85.

DIVISION OF THE QUESTION

Rep. T. . . . called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES AND ADOPT

The question was then on the motion offered by Rep. Adams (C) to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 85, and the motion was adopted.

Yeas 80; Nays 14.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Gafford, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—80

Nays:

Reps.: Boles, Bowling, Brakefield, Cheatwood, Cooley, Ford, Gilmer, Harrison, Horn, McKee, Naramore, Rains, Stout and Wyatt.

—14

RESOLUTION ADOPTED

On motion of Rep. Adams (C), the resolution, H. J. R. 85, was adopted.

Yeas 81; Nays 10.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Blake, Bowling, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Gafford, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Owens, Patton, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

—81

Nays:

Reps.: Albright, Brakefield, Cheatwood, Cooley, Ford, Gilmer, Letson, Naramore, Rains and Stout.

—10

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 39. CALLING THE ATTENTION OF THE COURTS TO RECENT OBSERVATIONS OF CHIEF JUSTICE BURGER WITH REGARD TO OUR COURTS' DISPROPORTIONATE CONCERN FOR CRIMINAL SUSPECTS.

On motion of Rep. Biddle, the resolution, H. J. R. 39, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. R. 57. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. J. R. 56.

On motion of Rep. Biddle, the resolution, H. R. 57, was adopted.

Also:

H. J. R. 71. COMMENDING WOODROW B. THRASH, DIRECTOR OF THE CLEBURNE COUNTY AREA VOCATIONAL SCHOOL.

On motion of Rep. Biddle, the resolution, H. J. R. 71, was adopted.

Also:

H. R. 76. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 465, AMENDING SECTION 11-41-1 OF THE CODE OF ALABAMA, 1975, PERTAINING TO THE INCORPORATION OF A MUNICIPALITY.

On motion of Rep. Biddle, the resolution, H. R. 76, was adopted.

Also:

H. J. R. 79. EXPRESSING DEEP REGRET IN THE TRAGIC AND UNTIMELY DEATH OF JAMES KENNETH "KENNY" BURNETTE OF TITUS, ALABAMA.

On motion of Rep. Biddle, the resolution, H. J. R. 79, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report, with amendment:

H. J. R. 78. CREATING THE LEGISLATIVE JOINT INTERIM MOBILE COUNTY SCHOOL SYSTEM STUDY COMMITTEE.

Said amendment being as follows:

Amend House Joint Resolution 78, Page 2, beginning on Line 17 by deleting Lines 17 through 28 in their entirety.

On motion of Rep. Biddle, the amendment was adopted.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Sandusky to indefinitely postpone the resolution, H. J. R. 78 as amended, was lost.

Yeas 1; Nays 11.

Yea: Rep. Sandusky.

—1

Nays:

Reps.: Bedsole, Buskey, Clark (W), Harper (T), Kennedy, McMillan, Olive, Parker, Stewart, Turner and Zoghby.

—11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION ADOPTED

The question was then on the adoption of the resolution, H. J. R. 78 as amended, and the resolution was adopted.

Yeas 11; Nay 1.

Yeas:

Reps.: Amari, Bedsole, Buskey, Clark (W), Harper (T), Howard, Kennedy, Parker, Stewart, Turner and Zoghby.

—11

Nay: Rep. Sandusky.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolutions, to-wit:

H. 109. Relating to Calhoun County; to levy a privilege or license tax upon the sale, distribution or storage of beer; to fix the amount or rate of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

Also:

H. J. R. 67. LEGISLATURE AGREEING TO POSTPONE RECEIVING THE GOVERNOR'S BUDGETS FOR ONE LEGISLATIVE DAY.

Also:

H. J. R. 68. MOURNING THE DEATH OF MR. RUFUS GLEASON HIBBETT, SR., PROMINENT FLORENCE, ALABAMA, EDUCATOR AND CIVIC LEADER.

Also:

H. J. R. 72. MOURNING THE DEATH OF MISS AMILEA PORTER, PROMINENT BLOUNT COUNTY EDUCATOR AND CIVIC LEADER.

Also:

H. J. R. 73. REQUEST FOR DELAY OF REPORTING DATE FOR JOINT INTERIM COMMITTEE RECREATING AN INTERIM COMMITTEE TO IMPLEMENT THE PURCHASE OF PROPERTY WITHIN THE CAPITOL COMPLEX.

Also:

H. J. R. 74. REQUEST FOR DELAY OF REPORTING DATE FOR JOINT INTERIM COMMITTEE TO STUDY NUCLEAR PLANTS AND TO MAKE RECOMMENDATIONS REGARDING A REGULATORY AGENCY.

Also:

H. J. R. 75. HONORING TUSKEGEE INSTITUTE ON THE CENTENNIAL OF ITS FOUNDING.

Also:

H. J. R. 77. NOTING NATIONAL CIRCLE K WEEK IN ALABAMA.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute:

S. J. R. 40. CALLING FOR IMPLEMENTATIONS OF INTERIM COMMITTEE ON MEDICAID RECOMMENDATION.

Said substitute being as follows:

WHEREAS, Medical Services Administration, the agency designated by the Governor of the State of Alabama to administer Title XIX (Medicaid) benefits in the State of Alabama, has limited inpatient hospitalization for the majority of Medicaid beneficiaries to fifteen plus five days, and

WHEREAS, MSA has enforced unjust limitations on the screening benefits provided under the federally mandated EPSDT program, and

WHEREAS, these limitations fail to provide essential care for neonatals in high risk nurseries as well as children below the age of twenty one years having what would be considered catastrophic illnesses, and

WHEREAS, it is the intent of the Alabama Legislature that essential care be provided to all Medicaid eligible children under the age of twenty one, and that it is cost effective to provide such care, and

WHEREAS, inpatient hospital stays are monitored for appropriateness by the state's Professional Standards Review Organization to assure MSA that the costs of care were in fact necessary, now therefore

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commissioner of MSA amend the State Plan to provide that all qualified medical providers are entitled to participate in the EPSDT program, and

BE IT FURTHER RESOLVED, That the hospital administered neonatal exam qualify as a screening exam, and

BE IT FURTHER RESOLVED, That all Medicaid and potentially Medicaid eligible children under the age of twenty one in the State of Alabama are entitled to all EPSDT benefits regardless of whether they are well or whether they present with suspected conditions.

SUBSTITUTE ADOPTED

On motion of Rep. Biddle, the substitute was adopted.

RESOLUTION ADOPTED

And the resolution, S. J. R. 40 as amended, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 86. Relating to Marengo County; authorizing the county commission to increase the mileage allowance of the county coroner and providing for its retroactive effect.

Also:

H. 251. Relating to St. Clair County; to further amend sections 3 and 9 of Act No. 243, H. 509, of the Regular Session of 1979 relating to a personnel board for employees of the county and certain municipalities therein, so as to provide further for employees who may come under the authority of the board and who shall have the authority to suspend an employee for certain reasons.

Also:

H. 252. Relating to St. Clair County; to provide for additional per diem payments to each member of the Board of Equalization.

Also:

H. 253. Relating to St. Clair County; amending Act No. 80-520, H. 1057, 1980 Regular Session, entitled, "An Act Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places," so as to limit the mileage allowance to only the returning officer.

And finds same correctly enrolled.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Smith (M), the rules were suspended in order to take up out of order the third reading of the bill, S. 193.

And the bill:

S. 193. To give permanent status in the classified service under the Merit System Act to all persons employed under provisional appointments as Capitol Security Police Officers in the Department of Finance of the State of Alabama between the dates of June 13, 1979, and July 23, 1980, inclusive, who performed their duties satisfactorily during the period of their employment and to permit the director of finance to condition appointments made hereunder to the satisfactory completion of a six-month working test period and to make such appointments effective immediately after the completion of the working test period.

Was read a third time at length and passed.

Yeas 90; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy,

Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—90

Nay: Rep. Harrison.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 84. DEPLORING THE RUTHLESS MURDER OF YOUNG BLACKS IN ATLANTA, GEORGIA.

McDOWELL LEE,
Secretary.

H. 333 INDEFINITELY POSTPONED

On motion of Rep. Smith (M), the bill, H. 333 being the same as S. 193 which was previously passed:

H. 333. To give permanent status in the classified service under the Merit System Act to all persons employed under provisional appointments as Capitol Security Police Officers in the Department of Finance of the State of Alabama between the dates of June 13, 1979, and July 23, 1980, inclusive, who performed their duties satisfactorily during the period of their employment and to permit the director of finance to condition appointments made hereunder to the satisfactory completion of a six-month working test period and to make such appointments effective immediately after the completion of the working test period.

Was indefinitely postponed.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Holmes:

H. J. R. 86. WHEREAS, the Ku Klux Klan has a long history of violence in this state and nation; and

WHEREAS, the KKK is presently conducting Guerrilla war training in Alabama with dangerous automatic and semi-automatic weapons; and

WHEREAS, the KKK has a primary objective to impose bodily harm and violence against the Jewish and Black people of this nation; Now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call upon Governor Fob James and all state law enforcement agencies to prohibit Guerrilla war training in Alabama by the KKK. It has been the stated purpose and objective of the KKK training in Alabama to impose bodily harm and violence on the Jewish and Black people of Alabama.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor James and all state law enforcement agencies.

The resolution, H. J. R. 86, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Zoghby, Gafford, Barton, Bennett, Blake, Brakefield, Cobb, Cosby, Crow, Gilmer, Gregg, McKee, McMillan, Olive, Pegues, Penry, Seibles, Smith (C), Smith (J), Willis and Wyatt.

H. J. R. 87. DECLARING APRIL 20-26, 1981, AS VICTIMS RIGHTS WEEK IN ALABAMA.

WHEREAS, the reprehensible trend of our courts to protect the rights of criminals at all costs has resulted in an almost total disregard of the rights of crime victims and witnesses in our society; and

WHEREAS, it has become mandatory that public attention be focused on our duty, as a society, to improve the plight and restore the rights of crime victims in America; and

WHEREAS, the Legislature of the State of California has, for five years, adopted resolutions designating a Victims Rights Week as a means of championing the rights of innocent victims of vicious crimes; and

WHEREAS, the California Legislature has this year called upon each of the other 49 states to also so declare such observance and has further requested that President Reagan proclaim a National Victims Rights Week as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with our sister state of California, and hopefully with the entire nation, in observing Victims Rights Week in Alabama, April 20-26, 1981.

BE IT FURTHER RESOLVED, That we request all law abiding citizens in the State of Alabama and all state departments and agencies to assume a positive role in improving the plight of crime victims and their survivors by working to restore effectiveness to the administration of criminal justice in our state and nation.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. J. R. 87, was adopted.

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Kennedy voting "Yea" on the bill, S. 193.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 69. To amend extensively the "Sunset Act of 1976", in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or nonenumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Pegues, the House concurred in and adopted the Senate amendment to the bill, H. 69, said Senate amendment being as follows:

Amend House Bill 69, page 15, by inserting after the "(b)" on line 24 the words "the bill" and add the following:

"then a substitute bill specifying only continuance concerning the status of the state agency"

Further amend House Bill 69, page 15, line 22, after the word "legislation" by adding the following:

"recommending modification"

Amend House Bill 69, page 16, by deleting ", modification" on line 5.

Further amend H. B. 69, page 16, by adding the following words "on termination or continuation of said agency" on line 18 after the word "debate".

Further amend H. B. 69, page 16, by adding the following words "which terminates or continues an agency and is" on line 24 after the word "bill".

Further amend H. B. 69, page 16, by adding the following words "on termination or continuation of said agency" on line 30 after the word "debate".

Further amend H. B. 69, page 16, by adding a new subsection to begin on line 36. The subsection to be added is as follows:

"(h) The debate limitations established under this section relate only to those bills that either continue or terminate an agency."

Amend House Bill No. 69 Page 2 Line 21, by striking out after the word units the word "or" and Further on line 22 by striking the word "subunits".

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Cooley, Cosby, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hammett, Harper (O), Harvey, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Laird, Langford, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Rains, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Williams, Willis and Wyatt.

—60

And the bill, H. 69 as thus amended, was again read at length and passed.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Amari, Barton, Bennett, Blake, Bowling, Cabaniss, Campbell, Carothers, Carter, Clark (G), Cooley, Cosby, Crow, Dial, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—61

RESOLUTIONS

The following resolutions were introduced:

By Reps. Smith (C), Holley, Waggoner, Moore, Amari, Bennett, Owens and Turnham:

H. J. R. 88. COMMENDING THE UNIVERSITY OF MONTEVALLO GOLF TEAM AND ITS COACH, DR. LEON DAVIS.

WHEREAS, the Alabama Legislature, in commendation and in praise, notes the many and outstanding accomplishments of the University of Montevallo Golf Team under the leadership of Dr. Leon Davis; and

WHEREAS, Dr. Davis, professor and director of mens' athletics at the University of Montevallo, has served as Golf Coach since the Spring of 1972 and since that time his Falcons have claimed championships on district and conference levels and have placed in national competition, as well; and

WHEREAS, in 1980 alone the Montevallo Falcons won the Southern States Conference Championship, the National Association of Intercollegiate Athletics District 27 Championship, the Hart-Cullman Chamber of Commerce Invitational and the North Alabama Classic, as well; they were

runner-up in the Nashboro Village Collegiate Classic in Nashville, Tennessee, and the Calhoun Fall Classic at Decatur, Alabama, and also participated in the NAIA National Tournament, finishing in 14th place; and

WHEREAS, individually, Larry Adams, Medalist, was named to the 1980 All-Conference Team, as were Norm Tums and Chris Myers; Medalist Adams also was named All District in the District 27 NAIA Playoffs along with Falcons Tums, Myers and Les Holcombe; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the University of Montevallo golfers and their coach, Dr. Leon Davis, and congratulate them most heartedly on their outstanding accomplishments in competition.

BE IT FURTHER RESOLVED, That Dr. Davis and Dr. James F. Vickrey receive a copy of this resolution on behalf of the entire Golf Team, with a copy also provided for appropriate display by the Athletic Department of the University of Montevallo.

On motion of Rep. Smith (C), the rules were suspended and the resolution, H. J. R. 88, was adopted.

Also:

By Rep. Daniels:

H. J. R. 89. PERMITTING THE JOINT INTERIM COMMITTEE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION TO REPORT ON THE TENTH LEGISLATIVE DAY RATHER THAN THE SIXTH.

WHEREAS, Act 80-576, S. J. R. 181 of the 1980 Regular Session established a joint interim committee to study the reorganization of the Alabama Public Service Commission created by Act No. 80-119, H. J. R. 106 of the 1980 Regular Session and report its findings, conclusions and recommendations on or before the sixth legislative day of the 1981 Regular Session; and

WHEREAS, the complexity of this study has dictated the need for a time extension for the report of this committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Committee to study the reorganization of the Alabama Public Service Commission is hereby authorized to report on the tenth legislative day rather than the sixth.

On motion of Rep. Daniels, the rules were suspended and the resolution, H. J. R. 89, was adopted.

Also:

By Reps. Turnham, Hammett, Gilmer, Whatley and Carothers:

H. J. R. 90. HONORING JAMES L. LAWSON OF AUBURN, ALABAMA.

WHEREAS, James L. Lawson, now affectionately known by a multitude of friends as "Mr. Jimmy," was born on May 2, 1897, in Banks, Alabama, and as a young man served the people of this state as a teacher and soldier. Since graduating from Alabama Polytechnic Institute (now Auburn University) in 1923, he has served the Agricultural interests of this state with unequalled distinction; and

WHEREAS, his 39 years with the Alabama Cooperative Extension Service, from 1923 to 1962, coming during the difficult years of the Thirties and the formative years of commercial agriculture in this state, were a legend of leadership; and

WHEREAS, after retirement from the Extension Service, he again answered the call of service to Alabama Agriculture by serving for 16 years as Assistant to the Commissioner of Agriculture and Industries from 1962 to 1978; and

WHEREAS, he is a 32nd degree Mason and a Shriner and is recognized within the state and throughout the Nation as the all-time Number One Mason of the State of Alabama, has served as the Grand Master of the Grand Lodge of Alabama and twice as Worshipful Master of the Auburn Lodge No. 76, and is widely recognized for the impressive manner in which he conducts all masonic ceremonies; and

WHEREAS, it is appropriate in recognition of "Mr. Jimmy's" contributions and his approaching 84th birthday, that the people of this state, through their elected representatives, offer their prayers for complete recovery from his recent illness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we take this opportunity to express to Mr. James L. "Jimmy" Lawson, our deep appreciation for his long and untiring dedication to his fellowman and to extend our most sincere best wishes for his future health.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Clerk of the House to Mr. Lawson, his daughter Susan, and son James, Jr.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 90, was adopted.

Also:

By Reps. Starkey, Greer, Smith (M), Carter, Riddick, Gregg, Coburn, Goodwin and Stout:

H. J. R. 91. URGING ALABAMA ATTORNEY GENERAL CHARLES GRADDICK TO APPEAL THE RECENT RULING OF THE FIFTH CIRCUIT COURT OF APPEALS REGARDING THE LOCATION OF THE T. V. A. ADMINISTRATIVE HEADQUARTERS.

WHEREAS, the Tennessee Valley Authority Act of 1933 clearly and specifically required said corporation to locate and maintain its principal office in Muscle Shoals, Alabama; and

WHEREAS, in direct defiance of the provisions of this Act, administrative headquarters were located and have since remained in Knoxville, Tennessee; and

WHEREAS, on January 25, 1979, U. S. District Judge Frank H. McFadden issued an order directing that said TVA headquarters in Knoxville be moved to comply with the stipulation of the 1933 Act; and

WHEREAS, in an unprecedented mockery of justice, the U. S. Fifth Circuit Court of Appeals has just recently reversed the ruling of the lower court, a decision that is blatant in its total disregard of the provisions of the TVA Act of 1933, which is explicit in language and in congressional intent; and

WHEREAS, Alabama Attorney General Charles Graddick has indicated that he is considering an appeal of this unjust decision, which course of action we fully and vigorously support; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strenuously urge Attorney General Charles Graddick to immediately file an appeal of the recent decision, exhausting all appellate remedies even to the Supreme Court of the United States.

BE IT FURTHER RESOLVED, That by copy of this resolution, Attorney General Graddick be immediately advised of our urgent recommendations of appeal and of our steadfast support in this matter.

On motion of Rep. Starkey, the rules were suspended and the resolution, H. J. R. 91, was adopted.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Stout and Rains:

H. R. 92. CONGRATULATING MRS. KATHERINE ARCHER ON HER SELECTION AS DISTINGUISHED YOUNG WOMAN.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 81. RELATIVE TO SETTING MEETING DATES OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 81, said Senate amendment being as follows:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Tuesday, February 17, 1981, we adjourn to meet again on Thursday, February 19; and when we adjourn on Thursday, February 19, we adjourn to meet again on Tuesday, February 24; and when we adjourn on Tuesday, February 24, we adjourn to meet again on Thursday, February 26; and when we meet on Thursday, February 26, we adjourn to meet again on Wednesday, March 4; and when we adjourn on Wednesday, March 4, we adjourn to meet again on Thursday, March 5; and when we meet on Thursday, March 5, we adjourn to meet again on Tuesday, March 17, 1981, all dates hereinabove set forth being in the year 1981.

And the resolution, H. J. R. 81 as amended, was adopted.

MOTION TO RECESS

Rep. Boles offered the motion that the House recess to hear a speech by the Honorable Joe Foss, former Governor of South Dakota.

SUBSTITUTE MOTION ADOPTED

Rep. Manley offered the substitute motion that the House adjourn pursuant to the resolution H. R. 80, heretofore adopted, until 1:00 o'clock p.m., February 24, 1981, Tuesday, and the substitute motion was adopted.

Yeas 51; Nays 30.

Yeas:

Mr. Speaker, Adams (H), Barton, Biddle, Brakefield, Buskey, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Grimsley, Hall, Hammett, Harrison, Harvey, Hines, Horn, Johnson (Roy), Laird, Manley, Moore, Olive, Payne, Pegues, Ray, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Ward, Warren, Whatley and Williams.

—51

Nays:

Reps.: Adams (C), Amari, Bennett, Blake, Carothers, Cates, Dixon, Gilmer, Harper (O), Harper (T), Holley, Holmes, Howard, Johnson (R. G.), Kennedy, Langford, Letson, Lewis, McMillan, Minus, Mitchell, Naramore, Patton, Penry, Rains, Seibels, Smith (C), Venable, Waggoner and Wyatt.

—30

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 193. To give permanent status in the classified service under the Merit System Act to all persons employed under provisional appointments as Capitol Security Police Officers in the Department of Finance of the State of Alabama between the dates of June 13, 1979, and July 23, 1980, inclusive, who performed their duties satisfactorily during the period of their employment and to permit the director of finance to condition appointments made hereunder to the satisfactory completion of a six-month working test period and to make such appointments effective immediately after the completion of the working test period.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolution, to-wit:

H. 69. To amend extensively the "Sunset Act of 1976", in particular: Sections 41-20-1 through 41-20-16 of the Code of Alabama 1975, as amended, so as to further define and provide for the termination and review of certain agencies; to eliminate numerous agencies from the purview of the provisions of this act, add other agencies and allow for review of any enumerated or nonenumerated agency at any time, with the option of the Sunset Committee to call and schedule agencies for review; to prescribe that the agencies designated herein shall terminate on a date certain unless each house passes by a majority vote a bill for an act to continue, modify or reestablish the agency; to reconstitute the membership and provide for the filling of vacancies of the Sunset Committee and to provide for the chairman to be elected from among the membership; to provide that an agency not voted on by sine die of the legislature in the regular session preceding its scheduled termination shall be terminated and its only allowable function shall be to wind up its affairs; to determine factors to be considered in determining public need for continuation of agencies generally; to provide a procedure for review and evaluation of agencies; to provide for public hearings by Sunset Committee of agencies under review; to provide for information to be furnished by agencies under review to certain departments; to provide for debate and voting upon recommendations as to continuance, modification or termination of agencies; to provide for any licenses issued with expiration dates beyond that of the life of an agency; and to provide the circumstances under which penalties for engaging in professional or occupational activities, when the regulatory agency therefor has been abolished, shall be non-enforceable.

Also:

H. J. R. 84. DEPLORING THE RUTHLESS MURDER OF YOUNG
BLACKS IN ATLANTA, GEORGIA.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 81. Relative to setting meeting dates from Tuesday, February 17, 1981 through Tuesday, March 17, 1981.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:35 P.M. on February 19, 1981.

H. 109

H. J. R. 67

H. J. R. 68

H. J. R. 72

H. J. R. 73

H. J. R. 74

H. J. R. 75

H. J. R. 77

H. 86

H. 251

H. 252

H. 253

Delivered to the Governor at 3:00 P.M. on February 19, 1981.

H. 69

H. J. R. 84

H. J. R. 81

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 80, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, February 24, 1981.

REGULAR SESSION
6th Day

295

Yeas 36; Nays 18.

Yeas:

Mr. Sepaker, Adams (H), Biddle, Brakefield, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Dial, Ford, Goodwin, Grimsley, Hammett, Harrison, Harvey, Hines, Johnson (Roy), Laird, Manley, Moore, Olive, Owens, Pegues, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (J), Stewart, Trammell, Turner, Waggoner, Warren and Whatley.

—36

Nays:

Reps. Albright, Bennett, Blake, Carothers, Greer, Hall, Holley, Kennedy, Langford, Letson, McMillan, Mitchell, Naramore, Patton, Seibels, Smith (C), Stout and Wyatt.

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SEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, February 24, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Jess Page, Bethel Baptist Church, Odenville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—105

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

JACK BIDDLE,
Chairman.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Manley offered the motion to suspend the rules in order to dispense with the reading of the Journal for the sixth legislative day, and to concur in and adopt the Report of the Standing Committee on Rules for the approval of the Journal for the sixth legislative day.

DIVISION OF THE QUESTION

Rep. Jackson called for the Division of the Question and the call was sustained.

The question was then on the motion offered by Rep. Manley to suspend the rules in order to dispense with the reading of the Journal for the sixth legislative day, and the motion was adopted.

Yeas 69; Nays 10.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Hines, Holley, Howard, Johnson (R. G.), Kelley, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turner, Turnham, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—69

Nays:

Reps.: Albright, Cheatwood, Escott, Harrison, Holmes, Horn, Jackson, Kennedy, Langford and Nevett.

—10

REPORT OF THE STANDING COMMITTEE ON RULES ADOPTED

On motion of Rep. Manley, the Report of the Standing Committee on Rules to approve the Journal for the sixth legislative day, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 91. URGING ALABAMA ATTORNEY GENERAL CHARLES GRADDICK TO APPEAL THE RECENT RULING OF THE FIFTH CIRCUIT COURT OF APPEALS REGARDING THE LOCATION OF THE T. V. A. ADMINISTRATIVE HEADQUARTERS.

Also:

H. J. R. 87. DECLARING APRIL 20-26, 1981, AS VICTIMS RIGHTS WEEK IN ALABAMA.

Also:

H. J. R. 88. COMMENDING THE UNIVERSITY OF MONTEVALLO GOLF TEAM AND ITS COACH, DR. LEON DAVIS.

Also:

H. J. R. 90. HONORING JAMES L. LAWSON OF AUBURN, ALABAMA.

Also:

H. J. R. 71. COMMENDING WOODROW B. THRASH, DIRECTOR OF THE CLEBURNE COUNTY AREA VOCATIONAL SCHOOL.

Also:

H. J. R. 79. EXPRESSING DEEP REGRET IN THE TRAGIC AND UNTIMELY DEATH OF JAMES KENNETH "KENNY" BURNETTE OF TITUS, ALABAMA.

Also:

H. J. R. 89. PERMITTING THE JOINT INTERIM COMMITTEE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION TO REPORT ON THE TENTH LEGISLATIVE DAY RATHER THAN THE SIXTH.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 82. COMMENDING HAROLD I. BRYARS, BALDWIN COUNTY, ALABAMA.

Also:

H. J. R. 83. COMMENDING CLYDE MADISON STEELE, CITY CLERK, BAY MINETTE, ALABAMA.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

S. J. R. 40. CALLING FOR IMPLEMENTATIONS OF INTERIM
COMMITTEE ON MEDICAID RECOMMENDATION.McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report, with substitute:

H. J. R. 86. CALLING UPON GOVERNOR FOB JAMES AND ALL
STATE LAW ENFORCEMENT AGENCIES TO PROHIBIT GUERRILLA
WAR TRAINING IN ALABAMA BY THE KKK.

Said substitute being as follows:

WHEREAS, the Ku Klux Klan has a long history of violence in this state and nation; and

WHEREAS, the KKK is presently conducting Guerrilla war training in Alabama with dangerous automatic semi-automatic weapons; and

WHEREAS, the KKK has a primary objective to impose bodily harm and violence against the Jewish and Black people of this nation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call upon Governor Fob James and all state law enforcement agencies to express their dissatisfaction with Guerrilla war training in Alabama by the KKK. It has been the stated purpose and objective of the KKK training in Alabama to impose bodily harm and violence on the Jewish and Black people of Alabama.

BE IT FURTHER RESOLVED, That Representative Alvin Holmes and Montgomery City Councilman, Joe Reed, be appointed a Committee of Two as a private, non-state supported or compensated investigatory body.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Governor James and to the Montgomery City Council.

MOTION TO POSTPONE

Rep. Dixon offered the motion to postpone consideration of the substitute reported by the Standing Committee on Rules for the resolution, H. J. R. 86.

MOTION TO TABLE LOST

The motion offered by Rep. Tucker to table the motion to postpone offered by Rep. Dixon, was lost.

Yeas 12; Nays 38.

Yeas:

Reps.: Buskey, Clark (W), Escott, Holmes, Horn, Howard, Jackson, Kennedy, Nevett, Reed, Tucker and Wyatt.

Nays:

Mr. Speaker, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Carothers, Carter, Cheatwood, Coburn, Dixon, Gilmer, Grouby, Hammett, Harper (O), Harper (T), Langford, Letson, McKee, Mitchell, Naramore, Olive, Parker, Patton, Penry, Roberts, Sandusky, Sasser, Seibels, Shavers, Stewart, Stout, Turnham, Venable, Waggoner, Williams and Willis.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. J. R. 86 RECOMMITTED

On motion of Rep. Gafford, the resolution, H. J. R. 86 with pending substitute, was recommitted to the Standing Committee on Rules.

Yeas 50; Nays 7.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Carothers, Carter, Coburn, Cosby, Dixon, Gafford, Gilmer, Gregg, Grouby, Hammett, Harper (T), Hines, Holley, Horn, Kelley, Letson, Lewis, McKee, Mitchell, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Roberts, Sandusky, Sasser, Seibels, Shavers, Smith (C), Smith (M), Starkey, Stewart, Stout, Tucker, Turnham, Venable, Waggoner, Williams and Willis.

—50

Nays:

Reps.: Buskey, Clark (W), Escott, Jackson, Kennedy, Langford and Nevett.

—7

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 85. PROVIDING FOR POSTPONEMENT OF THE INTRODUCTION OF THE SPECIAL EDUCATIONAL TRUST FUND AND GENERAL FUND BUDGETS.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. R. 93. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business February 24, 1981, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Manley and others:

H. 297. p. 35. Death Penalty Bill

MOTION TO ADOPT

Rep. Biddle offered the motion to adopt the resolution, H. R. 93.

MOTION TO TABLE LOST

The motion offered by Rep. Tucker to table the motion offered by Rep. Biddle, was lost.

Yeas 12; Nays 61.

Yeas:

Reps.: Buskey, Clark (W), Escott, Holmes, Horn, Howard, Jackson, Kennedy, Langford, Nevett, Reed and Tucker.

—12

Nays:

Mr. Speaker, Albright, Barton, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Hines, Johnson (R. G.), Kelley, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Williams and Willis.

—61

RESOLUTION ADOPTED

The question was then on the motion offered by Rep. Biddle to adopt the resolution, H. R. 93, and the resolution was adopted.

Yeas 61; Nays 12.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Bowling, Carothers, Carter, Clark (G), Cobb, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (T), Johnson (R. G.), Kelley, Letson, McKee, McMillan, Manley, Mitchell, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

Nays:

Reps.: Brakefield, Buskey, Clark (W), Escott, Harrison, Holmes, Howard, Jackson, Kennedy, Langford, Nevett and Tucker.

—12

Also:

By Rep. Holmes:

H. J. R. 94. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we direct Governor Fob James and all state law enforcement agencies to prohibit Guerrilla war training or paramilitary in Alabama. It has been the stated purpose and objective of the KKK training in Alabama to impose bodily harm and violence on the Jewish and Black people of Alabama. Provided, however, that this Resolution shall not apply to the United States Armed Forces, the National Guard, and all municipal, county, state or other political subdivision law enforcement officers.

BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to Governor James and all state law enforcement agencies.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Holmes offered the motion to suspend the rules and adopt the resolution, H. J. R. 94.

SUBSTITUTE OFFERED

Rep. Gafford offered the following substitute to the resolution, H. J. R. 94:

WHEREAS, the Ku Klux Klan has a long history of violence in this state and nation; and

WHEREAS, the KKK is presently conducting Guerrilla war training in Alabama with dangerous automatic and semi-automatic weapons; and

WHEREAS, the KKK has a primary objective to impose bodily harm and violence against the Jewish and Black people of this nation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call upon Governor Fob James and all state law enforcement agencies to express their dissatisfaction with Guerrilla war training in Alabama by the KKK. It has been the stated purpose and objective of the KKK training in Alabama to impose bodily harm and violence on the Jewish and Black people of Alabama.

BE IT FURTHER RESOLVED, That Representative Alvin Holmes and Montgomery City Councilman, Joe Reed, be appointed a Committee of Two as a private, non-state supported or compensated investigatory body.

BE IT FURTHER RESOLVED, That Representative Alvin Holmes and Councilman Joe Reed be required to report back to a Joint Session of the Legislature no later than the Third Legislative Day of the Next Special or Regular Session of the Legislature.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Governor James and to the Montgomery City Council.

MOTION TO TABLE LOST

The motion offered by Rep. Holmes to table the substitute offered by Rep. Gafford to the resolution, H. J. R. 94, was lost.

Yeas 12; Nays 33.

Yeas:

Reps.: Buskey, Clark (W), Escott, Harrison, Holmes, Horn, Howard, Jackson, Langford, Nevett, Reed and Wyatt.

—12

Nays:

Mr. Speaker, Barton, Bedsole, Bowling, Brakefield, Carter, Clark (G), Cosby, Dixon, Gafford, Gilmer, Grimsley, Grouby, Harper (T), McKee, Mitchell, Naramore, Olive, Owens, Pegues, Penry, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Turnham, Venable, Waggoner and Willis.

—33

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Rep. Gafford to the resolution, H. J. R. 94, and the substitute was adopted.

Yeas 37; Nays 14.

Yeas:

Mr. Speaker, Barton, Biddle, Bowling, Brakefield, Campbell, Carter, Cheatwood, Clark (G), Cosby, Dixon, Gafford, Gilmer, Grouby, Hammett, Harper (O), Harper (T), Lewis, McKee, Mitchell, Moore, Olive, Owens, Parker, Payne, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Turnham, Venable, Waggoner, Williams and Willis.

—37

Nays:

Reps.: Adams (C), Buskey, Clark (W), Daniels, Escott, Harrison, Holley, Holmes, Horn, Howard, Jackson, Langford, Nevett and Wyatt.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION INDEFINITELY POSTPONED

On motion of Rep. Gafford, the resolution, H. J. R. 94 as amended, was indefinitely postponed.

BILLS ON SECOND READING

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 489. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 217. (With Amendment): To be known as a Third Party Prescription Program Act, establishing the rights and responsibilities of parties engaged in third party prescription programs; defining certain terms; providing for notice procedures, cancellation procedures, provisions to be included in contractual agreements pertaining to third party prescription programs; outlining conditions under which payment by the program administrator to the pharmacy may or may not be denied; establishing reimbursement rates; providing exceptions and repealing all conflicting laws.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 529. To repeal Section 5-2A-103, Code of Alabama 1975, which provides for the payment of operating expenses of the bureau of credit unions.

H. 557. To set the maximum rate that can be charged by newspapers in Alabama for advertising at the amount presently being charged at the enactment of this Act.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 471. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 272. (With Substitute): To amend §16-11-18, Code of Alabama, 1975 to provide that before adopting written policies the city board of education shall directly, or indirectly through the superintendent, consult with its professional employees.

H. 273. (With Substitute): To amend §16-8-10, Code of Alabama, 1975 to provide that before adopting written policies the county board of education shall directly, or indirectly through the superintendent, consult with its professional employees.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 33. Relating to Jefferson County; providing for an additional allowance for election officials who work at polling places.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 71. COMMENDING WOODROW B. THRASH, DIRECTOR OF THE CLEBURNE COUNTY AREA VOCATIONAL SCHOOL.

Also:

H. J. R. 79. EXPRESSING DEEP REGRET IN THE TRAGIC AND UNTIMELY DEATH OF JAMES KENNETH "KENNY" BURNETTE OF TITUS, ALABAMA.

Also:

H. J. R. 87. DECLARING APRIL 20-26, 1981, AS VICTIMS RIGHTS WEEK IN ALABAMA.

Also:

H. J. R. 88. COMMENDING THE UNIVERSITY OF MONTEVALLO GOLF TEAM AND ITS COACH, DR. LEON DAVIS.

Also:

H. J. R. 89. PERMITTING THE JOINT INTERIM COMMITTEE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION TO REPORT ON THE TENTH LEGISLATIVE DAY RATHER THAN THE SIXTH.

Also:

H. J. R. 90. HONORING JAMES L. LAWSON OF AUBURN, ALABAMA.

Also:

H. J. R. 91. URGING ALABAMA ATTORNEY GENERAL CHARLES GRADDICK TO APPEAL THE RECENT RULING OF THE FIFTH CIRCUIT COURT OF APPEALS REGARDING THE LOCATION OF THE T. V. A. ADMINISTRATIVE HEADQUARTERS.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 82. COMMENDING HAROLD I. BRYARS, BALDWIN COUNTY, ALABAMA.

Also:

H. J. R. 83. COMMENDING CLYDE MADISON STEELE, CITY CLERK, BAY MINETTE, ALABAMA.

Also:

H. J. R. 85. PROVIDING FOR POSTPONEMENT OF THE INTRODUCTION OF THE SPECIAL EDUCATIONAL TRUST FUND AND GENERAL FUND BUDGETS.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Daniels:

H. R. 95. COMMENDING GENEVA COUNTY'S SAMSON HIGH SCHOOL ON ITS OUTSTANDING 1980 FOOTBALL SEASON.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Holley, Langford, Zoghby, Kennedy, Letson, Brakefield, Whatley, Laird, Johnson (R. G.), Trammell, Moore, Reed and Mitchell:

H. 562. To provide for restrictions on size and combinations of motor vehicles on state highways.

Commerce, Transportation and Utilities.

By Rep. Sasser:

H. 563. To further regulate and control alcoholic beverage transactions in wet counties in Alabama under the control and supervision of the alcoholic beverage control board; to provide definitions for Chapter 3, Title 28, Code of Alabama 1975, and for the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980, now appearing as § 28-3A-2, Code of Alabama 1975, and to repeal all laws or parts of laws in conflict herewith.

Ways and Means.

By Rep. Drinkard:

H. 564. To amend section 34-24-70 of the Code of Alabama, 1975, as amended that any applicant for a certificate of qualification to practice medicine or osteopathy in the State of Alabama who has not graduated from a college of medicine or college of osteopathy located in the United States, District of Columbia, territories of the United States or provinces of Canada and who is a United States citizen who completed his undergraduate studies at a college or university in the United States approved for preliminary training by the Board of Medical Examiners and who has studied medicine or osteopathy at a college of medicine or college of osteopathy located outside the United States which is listed by the World Health Organization but who is not authorized to practice medicine or osteopathy in the foreign country in which he studied shall submit to the Board of Medical Examiners: (1) Evidence satisfactory to the Board that the applicant has successfully completed all of the formal requirements of the foreign school except internship, residency or social service requirements; and (2) Evidence satisfactory to the Board that the applicant has successfully completed one academic year of

internship at a hospital affiliated with a medical school or school of osteopathy approved by the American Medical Association or by the State Board of Medical Examiners and, subsequent to that year, two years of residency at a hospital in the United States having a residency program approved by the American Medical Association or by the State Board of Medical Examiners, and (3) Evidence satisfactory to the Board that the applicant has completed all the requirements for taking the examination of one of the specialty boards approved by the American Medical Association.

Health.

By Rep. Drinkard:

H. 565. Relating to financial institutions; to require that checks and drafts drawn on certain accounts display the month and year the account was opened; to provide penalties for falsely giving the required account information.

Banking.

By Rep. Sandusky:

H. 566. To provide that public education shall consist of twelve years of instruction, beginning with kindergarten and concluding with the eleventh grade, to provide for graduation upon completion of the eleventh grade, and to provide for the age at which students shall enter kindergarten, to provide for the maximum enrollment in certain grades, to provide for the separation of classes into elementary and secondary units, and to provide an effective date.

Ways and Means.

By Rep. Cobb (With Notice and Proof):

H. 567. Relating to Marion County; to provide for additional per diem payments to each member of the Board of Equalization.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 567, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gilmer:

H. 568. To repeal Act No. 158, 1969 Special Session, and Act No. 950, 1969 Regular Session, relating to compensation and expense allowances paid to the board of equalization in counties with a population of not less than 13,700 nor more than 14,300 inhabitants.

Local Legislation No. 1.

By Rep. Gilmer (With Notice and Proof):

H. 569. Relating to Lamar County; providing for the amount of compensation to be paid members of the jury commission, board of equalization and the board of registrars.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 569, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Naramore, Brakefield, Boles and Bennett:

H. 570. To amend further Section 6-5-332, Code of Alabama 1975, relating to liability for civil damages as a result of rendering first aid or emergency care to certain injured persons, so as to include within the protective provisions of that section certain other persons rendering first aid or emergency care.

Judiciary.

By Rep. Riddick:

H. 571. To provide for consideration for a merit increase in salary for all state employees who have successfully completed the Certified Professional Secretary's examination.

Ways and Means.

By Reps. Riddick, Smith (M) and Stout:

H. 572. To amend section 41-4-82, Code of Alabama 1975, which relates to the transmission of the Governor's budget to the legislature, so as to provide that the legislature may, for good cause, by joint resolution, extend the time period for transmission of the budget.

Ways and Means.

By Rep. Harvey (With Notice and Proof):

H. 573. Relating to Etowah County; to provide that the county commission must approve any concerts or events for which a license tax is charged pursuant to section 40-12-82 of the Code of Alabama 1975 before such license is issued.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 573, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Harvey (With Notice and Proof):

H. 574. Relating to Blount County; providing an expense allowance for certain county officers and providing an effective date.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 574, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Starkey (With Notice and Proof):

H. 575. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year; to provide that the first fee schedule shall also be the fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 575, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dial (With Notice and Proof):

H. 576. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Cleburne County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Cleburne County; and prescribing the procedure for the collection of such assessments.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 576, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hines:

H. 577. To provide procedure whereby any project approved as an undertaking to be acquired by any industrial development board incorporated under Title 11, Chapter 54, Article 4 of the Code of Alabama 1975 may be disapproved within a limited time by the governing body of the municipality whose consent for the incorporation of such board is required if such project is located within the corporate limits of such municipality.

Local Government.

By Reps. Crow, Willis and Turner:

H. 578. To amend Section 36-30-20, Code of Alabama 1975, which defines the term state trooper for compensation for death or disability from occupational diseases, so as to include conservation enforcement officers within said definitions.

Ways and Means.

By Reps. Escott and Tucker:

H. 579. To authorize the Director of the Department of Public Safety to enter into and carry out the provisions of the Nonresident Violator Compact of 1977, a compact which provides nonresident motorists receiving a traffic

citation in a participating state the opportunity to receive the same privileges and sanctions offered to resident motorists; it provides definitions and exceptions.

Judiciary.

By Reps. Carter, Greer and Roberts:

H. 580. To consolidate the administration of Athens State College, John C. Calhoun Junior College, and John C. Calhoun Technical College under a single administration.

Ways and Means.

By Rep. Dixon:

H. 581. To amend Section 34-9-7 of the Code of Alabama 1975 relating to the licensing and regulation of dentists and dental hygienists so as to further provide that dentists, dental hygienists and other personnel employed by any public health service which performs dental health care for the general public under programs funded in whole or part by the state or federal government shall be subject to all of the provisions of Title 34, Chapter 9 and the rules and regulations duly promulgated by the Board of Dental Examiners governing the practice of dentistry and dental hygiene in this state.

Health.

By Reps. Harper (T), Clark (W) and Turner:

H. 582. To provide all classified employees of public schools in Alabama with one day of paid annual leave per working month.

Ways and Means.

By Rep. Waggoner (With Notice and Proof):

H. 583. To authorize any county of this State having a population of 600,000 or more, according to the 1970 or any succeeding federal decennial census, to reimburse any officer or employee of such county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this act and to establish rules and regulations prescribing the conditions on which payments under this Act shall be made.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 583, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner:

H. 584. To regulate all security guards in this State; to provide a title; to define certain terms; to create the Alabama Private Security Regulatory Board; to provide for powers and duties of such Board; to provide for licenses for persons engaged in a private security business; to provide for registration

of proprietary and contract security guards; to provide for registration fees; to provide for qualifications; to provide for training requirements; to provide for carrying of firearms; to provide for uniform and motor vehicle identifying insignia; to provide for unlawful acts; and to provide for an effective date.

Judiciary.

By Reps. McMillan, Penry, Hines, Turner, Stewart, Parker, Cosby, Mitchell, Cheatwood, Cobb, Zoghby, Bedsole and Harper (T):

H. 585. To provide that certain vehicles may not be operated on the beaches and sand dunes on the Gulf of Mexico along the southern boundary of the State of Alabama; prescribing penalties.

Natural Resources.

By Reps. McMillan, Penry, Hines, Turner, Stewart, Parker, Cosby, Mitchell, Cobb, Zoghby and Harper (T):

H. 586. To provide that the conservation advisory board shall have the power to promulgate rules and regulations having the force and effect of law to regulate, including the authority to prohibit, the use of airboats on any of the public waters of this state; and to provide for penalties for violations.

Natural Resources.

By Rep. Venable (With Notice and Proof):

H. 587. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Elmore County shall have or exercise police jurisdiction within Elmore County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Elmore County or over or on any person in Elmore County or property or business or trade or profession in Elmore County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Elmore County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Elmore County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 587, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Venable:

H. 588. To amend Section 17-9-33, Code of Alabama 1975, which provides for the canvassing of votes and the proclamation of election results, so as to allow non-carbonized paper to be used on the statements of canvass.

Constitution and Elections.

By Rep. Waggoner:

H. 589. To provide for Public Service Commission jurisdiction over the safety of spur tracks, sidetracks, and rolling stock not owned by railroads, but either used by railroads or used on the tracks of railroads subject to the jurisdiction of the Commission.

State Administration.

By Rep. Waggoner:

H. 590. To provide for the Public Service Commission exclusive jurisdiction over the enforcement of minimum safety standards, orders, rules and regulations adopted by the United States Department of Transportation, Federal Railroad Administration, pursuant to the provisions of the Federal Railroad Safety Act of 1970 and to provide necessary funding for this and other functions of the Public Service Commission in the regulation of Transportation Companies.

State Administration.

By Reps. Kennedy, Cosby, Zoghby, Ray, Turner, Buskey and Clark (W):

H. 591. To amend Sections 1 and 2 of Act No. 679, S. 601 of the 1978 Regular Session, approved May 1, 1978, which act provides salary increases for certain state employees, so as to include certain persons classified as clerk-stenographer II, and to appropriate certain money.

Ways and Means.

By Reps. Gafford and Waggoner:

H. 592. Proposing an amendment to the Constitution of Alabama authorizing the governing body of Jefferson County to levy and collect a certain ad valorem tax to fund a public transportation system for the county.

Local Legislation No. 2.

The above bill was read a first time at length as required by the Constitution.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Letson:

H. J. R. 96. URGING THE ALABAMA PUBLIC SERVICE COMMISSION TO DENY THE RATE INCREASE RECENTLY REQUESTED BY SOUTH CENTRAL BELL.

WHEREAS, currently before the Alabama Public Service Commission is a rate increase request filed February 9, 1981, by South Central Bell; and

WHEREAS, if granted by the Public Service Commission, the additional charges requested by South Central Bell would amount to some \$200 million for this utility's subscribers; and

WHEREAS, it is the consensus of the Legislature that there is no justification whatsoever for this additional financial burden on families in Alabama whose utility bills already consume a grossly disproportionate share of their incomes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge the Alabama Public Service Commission to reject in its entirety the rate increase filed by South Central Bell and currently before the commission.

BE IT FURTHER RESOLVED, That a copy of this resolution be dispatched to Mr. Billy Joe Camp, President of the Alabama Public Service Commission, to advise the commission of the Legislature's opposition to the aforementioned rate increase.

On motion of Rep. Letson, the rules were suspended and the resolution, H. J. R. 96, was adopted.

Also:

By Rep. Adams (H):

H. J. R. 97. COMMENDING MR. HOWARD HALL OF CHEROKEE COUNTY, ALABAMA.

WHEREAS, Mr. Howard Hall of Cherokee County, Alabama, is to be recognized for his outstanding contributions to the agricultural and related industries of the State of Alabama; and

WHEREAS, Mr. Hall, who grew up in rural Limestone County, completed his education at Auburn University and began his first employment as supervisor of an Ordinance Missile Lab in Huntsville, Alabama; and

WHEREAS, in 1962, Howard Hall joined the Alabama Extension Service as Assistant County Agent in DeKalb County with a primary responsibility for livestock and vegetable production; in 1965 he transferred to the Extension's staff in Lauderdale County to assume responsibility for swine production and, under his direction, gross animal sales of swine in that county increased from \$700,000 to \$2 million; and

WHEREAS, in addition, Mr. Hall also worked closely with other farm production programs until 1970 at which time he moved to Cherokee County as County Agent, remaining until his early retirement due to failing health; and

WHEREAS, under Mr. Howard's supervision, the county's soybean production increased from a crop valued at \$300,000 to \$5 million, and cotton yields were maintained at one of the highest levels in Alabama; and

WHEREAS, in further service to his community, and in addition to his dedicated work with agricultural development, Mr. Hall played a personal and instrumental role in bringing many segments of industry to Cherokee County with the result that the county's percentage of unemployed is among the lowest in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and praise Mr. Howard Hall for outstanding service to the agricultural industry of our State and for his active role in bringing industry to Cherokee County.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. Hall that he and Mrs. Hall and their two sons and two daughters may be aware of our gratitude and of our warm personal regard.

On motion of Rep. Adams (H), the rules were suspended and the resolution, H. J. R. 97, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Payne:

H. R. 98. COMMENDING MRS. CINDY GODWIN OF PINSON ON HER SELECTION TO THE CONGRESS OF OUTSTANDING YOUNG ALABAMIANS.

Also:

By Rep. Payne:

H. R. 99. COMMENDING MR. MICKEY TUMLIN OF BIRMINGHAM ON HIS SELECTION TO THE CONGRESS OF OUTSTANDING YOUNG ALABAMIANS.

The following resolutions were introduced:

By Reps. Cosby, Pegues and Edwards:

H. J. R. 100. DESIGNATING SELMA AS THE ALABAMA TALE TELLIN' CAPITAL.

WHEREAS, in the Spring of 1979, a group of Selma citizens, the staff of the Selma-Dallas County Public Library and representatives of the Friends of the Library, who are interested in the age-old art of story telling, met to organize the Alabama Tale Tellin' Festival to be headquartered in Selma, Alabama; and

WHEREAS, the first Festival, sponsored by the Friends of the Selma-Dallas County Public Library, was held on October 13, 1979, in Lafayette Park, located on historic and unique Water Avenue in Selma, Alabama; the Festival was held to coincide with the city's now famous and popular Riverfront Market Day as an addition to this occasion; and

WHEREAS, the well-known Folktellers, Connie Regan and Barbara Freeman from Ashville, North Carolina, were the headliners for the Festival, in addition to many well-known Alabama and local story tellers, with 1,200 people gathering to hear these tale tellers relate regional legends, accounts of strange creatures from nowhere, nostalgic recollections, and hilarious tall tales whose humor marks the folklore of most Southern story tellers; and

WHEREAS, Selma's own Kathryn Windham, celebrated Alabama author and tale spinner, standing before a bonfire on the banks of the Alabama River, ended the evening with her famous ghost stories; and

WHEREAS, due to the overwhelming success of this first festival, it became necessary to move to a new and permanent site which is in a field adjacent to Bloch Park; Jackie Torrence, a famous tale spinner from North Carolina, was the headliner that second year, telling her stories to 1,600 people; and

WHEREAS, The Alabama Tale Tellin' Festival is now a permanent organization with a board to establish policy and plan this unique program each year in Selma, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the City of Selma as the Alabama Tale Tellin' Capital.

BE IT FURTHER RESOLVED, That we respectfully request that Governor Fob James, by proclamation, also so designate the City of Selma in concurrence with our commendation and praise of this unique program promoting an age-old art in Alabama.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. J. R. 100, was adopted.

Also:

By Reps. Cosby, Pegues and Edwards:

H. R. 101. INVITING MRS. KATHRYN TUCKER WINDHAM TO ADDRESS THE ALABAMA HOUSE OF REPRESENTATIVES.

WHEREAS, a native Alabamian, Mrs. Kathryn Tucker Windham was born in Selma and grew up in Thomasville, Clarke County, Alabama, where she attended public school; and

WHEREAS, Mrs. Windham graduated from Huntingdon College, later to be awarded an honorary Doctorate by her Alma Mater; she is a former reporter for the Birmingham News-Age Herald and for the Selma Times-Journal; and

WHEREAS, Kathryn Tucker Windham is a renowned Alabama author and story teller, recognized not only throughout her native Southland but the entire United States, as well, for her books on regional ghosts and folklore; and

WHEREAS, as a teller of tales, Mrs. Windham has appeared in numerous of our states, in New York City and in Canada, captivating her audiences with stories of the supernatural which are suspenseful, frightening and hairraising to the end; and

WHEREAS, it is further to be noted that Mrs. Windham participated in her native Selma's first annual Alabama Tale Tellin' Festival, spinning tales before more than a thousand in attendance, and her appearance was greatly responsible for the festival's success; now therefore,

BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, That we most highly praise and commend Alabama's own Kathryn Tucker Windham, celebrated author and story teller.

BE IT FURTHER RESOLVED, That Mrs. Windham receive a copy of this resolution, in token of our regard, and in invitation to address an informal session of this body at such time and date to be set by Speaker Joe McCorquodale.

On motion of Rep. Cosby, the rules were suspended and the resolution, H. R. 101, was adopted.

Also:

By Rep. Wyatt:

H. J. R. 102. NAMING THE NEW BRIDGE JUST SOUTH OF MONTGOMERY ON HIGHWAY 331, SPANNING THE CATOMA CREEK, THE "PETE PETERSON BRIDGE."

WHEREAS, John A. (Pete) Peterson, who was born in LaFayette, Indiana, on April 9, 1891, came to Montgomery at the outbreak of World War I for training at Taylor Field as a U. S. Army Signal Corps engineering officer; and

WHEREAS, he liked Alabama so well that he returned here after the war to make his home and to engage in the profession of bridge building; and became a successful and wealthy bridge builder, and a good citizen of his county, state, and nation; and

WHEREAS, he joined the newly organized Kiwanis Club of Montgomery in 1920 and made the club his "family," since he was unmarried; he remained a member for 48 years, and upon his death on July 14, 1968, left a net estate of some \$675,000 in trust with the Alabama National Bank of Montgomery, assigning to the Kiwanis Club the right to designate recipients of proceeds from the Pete Peterson Trust Fund for educational, charitable, and civic causes in Pete Peterson's adopted State of Alabama; and

WHEREAS, the Peterson Fund has already produced some \$330,000 that has been used for such purposes, and is now estimated to be worth \$775,000, and will continue to grow and produce increasing amounts of money to enrich the lives of the people of Alabama; and

WHEREAS, it seems appropriate that this generous citizen, Pete Peterson, be memorialized and honored by the State of Alabama; and

WHEREAS, the State of Alabama has recently completed a modern bridge just south of Montgomery on Highway 331, spanning the Catoma Creek; and

WHEREAS, it is commonly believed by friends and acquaintances of Pete Peterson that the first bridge he built in Alabama was one spanning the Catoma Creek; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the aforementioned bridge on Highway 331 spanning the Catoma Creek be, and is hereby, named the "Pete Peterson" Bridge in his honor and memory as a patriot and a citizen who was dedicated throughout his life to American greatness and to the cause of freedom for all mankind.

BE IT FURTHER RESOLVED, That an appropriate sign or marker be erected and maintained so designating said bridge, and that a copy of this resolution be sent to the Kiwanis Club of Montgomery.

On motion of Rep. Wyatt, the rules were suspended and the resolution, H. J. R. 102, was adopted.

Also:

By Reps. Mitchell, Barton, Clark (G), Manley, Howard and Johnson (Roy):

H. J. R. 103. MOURNING THE DEATH OF DR. RALPH DEMPSEY BROWN OF TUSCALOOSA, ALABAMA.

WHEREAS, the Legislature of Alabama has grievously noted the death of Dr. Ralph Dempsey Brown of Tuscaloosa on July 13, 1980, at the age of just 61 years; and

WHEREAS, Dr. Brown, educated in the Tuscaloosa County Schools, was a graduate of Palmer Chiropractic College in Davenport, Iowa, and practiced professionally in his home town of Tuscaloosa; he served his country in the United States Army during World War II and was for two terms, 1962-1970, a member of the Alabama House of Representatives; and

WHEREAS, he was a member of the Southside Lions Club, Von Bayer Masonic Lodge No. 699, Tuscaloosa Shrine Club, Chiropractic Society, Tuscaloosa County Singing Convention, American Legion, Disabled American Veterans, the Moose Lodge and the Northwood Hills Baptist Church; and

WHEREAS, affectionately and widely known as "Doc," he further served as Tuscaloosa County Tax Collector, elected October 1, 1973, remaining in said capacity until the time of his death; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Dr. Ralph Dempsey Brown and extend our most heartfelt sympathy to his family, and to the citizens of the community he served so faithfully and so well.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to his wife, Mrs. Bernice B. Brown, that she and their children may know we deeply share the sorrow of their great loss.

On motion of Rep. Mitchell, the rules were suspended and the resolution, H. J. R. 103, was adopted.

Also:

By Reps. Turnham, Sandusky, Smith (C), Ward, Venable, Shoemaker, Johnson (R. G.) and Carothers:

H. J. R. 104. MOURNING THE DEATH OF COACH WILBUR HALL HUTSELL.

WHEREAS, the Legislature of Alabama is deeply saddened by the death of Coach Wilbur Hall Hutsell of Auburn, Alabama, on December 8, 1980, at the age of 88; and

WHEREAS, former Coach and Athletic Director at Auburn University, Coach Hutsell was associated with the university for some sixty years, first as head track coach, head trainer and professor of physical education from 1921 until his retirement in 1963, then through unofficial activities on a voluntary basis for many additional years; and

WHEREAS, affectionately known as "Mr. Track," Coach Hutsell was Auburn's first regular track coach and, with the aid of friends, built the first track which was used until 1940; and

WHEREAS, during his tenure at Auburn, Coach Hutsell compiled a phenomenal dual meet record of 140 victories and just 25 losses; he produced 75 Southeastern Conference individual champions, seven who tied for first places and four Olympic performers; and

WHEREAS, Wilbur Hutsell was a member of the Nelms Track Hall of Fame, the Missouri Track Hall of Fame, the National Track and Field Hall of Fame, and the Alabama Sports Hall of Fame; these honors evidence his ability, his extraordinary talent and the high regard in which he was held by his fellow athletes, peers and sports enthusiasts throughout the entire United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Coach Wilbur Hall Hutsell of Auburn, Alabama, and extend our most heartfelt sympathy to his family, to whom a copy of this resolution shall be sent.

On motion of Rep. Turnham, the rules were suspended and the resolution, H. J. R. 104, was adopted.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Smith (J) and Carter:

H. R. 105. COMMENDING THE ATHENS, ALABAMA, JAYCEES FOR OUTSTANDING COMMUNITY SERVICE.

MOTION TO ADJOURN LOST

The motion offered by Rep. Tucker that the House adjourn was lost.

BILLS ON THIRD READING

H. 51 TEMPORARILY POSTPONED

On motion of Rep. Ford, the bill, H. 51, was temporarily postponed.

H. 316 TEMPORARILY POSTPONED

On motion of Rep. Shavers, the bill, H. 316, was temporarily postponed.

S. 31 TEMPORARILY POSTPONED

On motion of Rep. Penry, the bill, S. 31, was temporarily postponed.

S. 32 TEMPORARILY POSTPONED

On motion of Rep. Penry, the bill, S. 32, was temporarily postponed.

Yeas 26; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Blake, Clark (G), Dixon, Edwards, Gilmer, Goodwin, Greer, Hall, Hammett, Harper (O), Kelley, McKee, Moore, Naramore, Olive, Pegues, Roberts, Starkey, Trammell, Turner, Ward, Whatley and Willis.

—26

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 297. To define capital offenses; to provide for a sentence of life imprisonment without parole or death as punishment for capital offenses; to provide for the trial of capital offenses; to provide for sentence proceedings to be conducted following a conviction for a capital offense; to provide for

appellate review of convictions and sentences in cases in which defendants are sentenced to death; to provide for the Alabama Supreme Court to promulgate pattern indictment forms, verdict forms, and jury instructions for use in cases tried under this act; to provide for the manner in which the act is to be interpreted and if necessary re-interpreted; to provide for severability; to specify the way the act is to be applied if the death penalty provisions of it are declared unconstitutional and cannot be re-interpreted to provide a constitutional death penalty; to specify the conduct to which the act applies; to repeal Code of Alabama 1975, §13-11-1 through §13-11-9, also codified as §13A-5-30 through §13A-5-38 (the existing death penalty statute), and any other laws or parts of laws in conflict herewith; and to provide an effective date.

Was taken up.

AMENDMENT OFFERED

Rep. Tucker offered the following amendment to the bill, H. 297:

Amend H. B. 297 by striking Sections 13 and 14 in their entirety.

AMENDMENT TABLED

On motion of Rep. Manley, the amendment offered by Rep. Tucker to the bill, H. 297, was tabled.

Yeas 71; Nays 12.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Laird, Letson, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Riddick, Roberts, Sasser, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—71

Nays:

Reps.: Buskey, Clark (W), Escott, Harrison, Holmes, Horn, Howard, Jackson, Langford, Nevett, Reed and Tucker.

—12

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 332. Relating to Autauga County; to provide an expense allowance for the coroner.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 332. Relating to Autauga County; to provide an expense allowance for the coroner.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill, H. 297, was again taken up.

MOTION TO POSTPONE TABLED

On motion of Rep. Manley, the motion offered by Rep. Reed to postpone further consideration of the bill, H. 297, to the seventeenth legislative day, was tabled.

Yeas 82; Nays 10.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—82

Nays:

Reps.: Buskey, Escott, Harrison, Holmes, Howard, Jackson, Kennedy, Langford, Nevett and Reed.

—10

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S. J. R. 40. CALLING FOR IMPLEMENTATIONS OF INTERIM
COMMITTEE ON MEDICAID RECOMMENDATION.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the above and foregoing Message from the Senate.

H. 297 RESUMED

AMENDMENT OFFERED

Rep. Harrison offered the following amendment No. 1 to the bill, H. 297:

Amend H. B. 297, Section (F), Page 9, line(s) 18-120 by striking after the word(s) the following: and on line 21 strike out "to recommend" and insert in its place the word "of".

And on line 22 strike out the phrase "base on a vote of at least ten jurors" and replace it with word "unanimous".

AMENDMENT TABLED

On motion of Rep. Manley, the amendment No. 1 offered by Rep. Harrison to the bill, H. 297, was tabled.

Yeas 80; Nays 11.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—80

Nays:

Reps.: Buskey, Clark (W), Escott, Holmes, Horn, Howard, Jackson, Kennedy, Langford, Nevett and Tucker.

—11

AMENDMENT OFFERED

Rep. Harrison offered the following amendment No. 2 to the bill, H. 297:

Amend H. B. 297, Section H., Page 9, line(s) 24-36 by (striking) the entire section and after the word vote and substitute the following:

(g) If the jury cannot agree on a sentence of death, the defendant shall be sentenced to life imprisonment without parole.

AMENDMENT TABLED

On motion of Rep. Manley, the amendment No. 2 offered by Rep. Harrison to the bill, H. 297, was tabled.

Yeas 68; Nays 10.

Yeas:

Mr. Speaker, Adams (C), Barton, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—68

Nays:

Reps.: Buskey, Clark (W), Harrison, Holmes, Howard, Jackson, Kennedy, Langford, Nevett and Tucker.

—10

AMENDMENT OFFERED

Rep. Harrison offered the following amendment No. 3 to the bill, H. 297:

Amend H. B. 297 on page 14, line 24 by adding the sentence "The District Attorney shall maintain a permanent record of the name, race and age of all persons indicted under this act. Said record shall be a public record", after the period on line 24.

AMENDMENT TABLED

On motion of Rep. Manley, the amendment No. 3 offered by Rep. Harrison to the bill, H. 297, was tabled.

Yeas 73; Nays 12.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Lewis, McKee, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Pegues, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—73

Nays:

Reps.: Buskey, Clark (W), Escott, Harrison, Holmes, Horn, Howard, Jackson, Kennedy, Langford, Nevett and Tucker.

—12

AMENDMENT OFFERED

Rep. Jackson offered the following amendment to the bill, H. 297:

Amend H. B. 297, Section 9F, Page 11, line 33 by striking the following:
(h) The capitol offense was especially heinous, atrocious or cruel compared to other capitol offenses.

AMENDMENT TABLED

On motion of Rep. Manley, the amendment offered by Rep. Jackson to the bill, H. 297, was tabled.

Yeas 74; Nays 11.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Laird, Letson, Lewis, McKee, Manley, Mitchell, Moore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—74

Nays:

Reps.: Buskey, Clark (W), Escott, Harrison, Holmes, Jackson, Kennedy, Langford, Nevett, Reed and Tucker.

—11

AMENDMENT OFFERED

Rep. Kennedy offered the following amendment to the bill, H. 297:

Amend H. B. 297, Section 8 F-G, Page 9, line(s) by (striking or adding) after the word(s) the following:

Page 9, line 25, delete "Recommending a sentence, on, for other manifest necessity" and insert "the defendant shall be sentenced to life imprisonment without parole" (Section 8G).

Page 9, line 24, delete "If the jury is unable to reach an advisory verdict" and insert "If the jury cannot agree on a sentence of death" (Section 8G).

AMENDMENT TABLED

On motion of Rep. Manley, the amendment offered by Rep. Kennedy to the bill, H. 297, was tabled.

Yeas 80; Nays 9.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Coburn, Colley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—80

Nays:

Reps.: Buskey, Clark (W), Harrison, Holmes, Howard, Jackson, Langford, Nevett and Tucker.

—9

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 97. COMMENDING MR. HOWARD HALL OF CHEROKEE COUNTY, ALABAMA.

Also:

H. J. R. 100. DESIGNATING SELMA AS THE ALABAMA TALE TELLIN' CAPITAL.

Also:

H. J. R. 102. NAMING THE NEW BRIDGE JUST SOUTH OF MONTGOMERY ON HIGHWAY 331, SPANNING THE CATOMA CREEK, THE "PETE PETERSON BRIDGE."

Also:

H. J. R. 103. MOURNING THE DEATH OF DR. RALPH DEMPSEY BROWN OF TUSCALOOSA, ALABAMA.

Also:

H. J. R. 104. MOURNING THE DEATH OF COACH WILBUR HALL HUTSELL.

McDOWELL LEE,
Secretary.

H. 297 RESUMED

Rep. Kennedy offered the following amendment No. 2 to the bill, H. 297:

Amend H. B. 297, Section 9a, Page 9, line(s) by (striking or adding) after the word(s) the following:

Page 9, line 34, delete.

Page 9, line 35, delete.

Page 9, line 36, delete.

Page 9, line 38, delete "and after the jury has returned an advisory verdict" and insert "if the jury's verdict is life imprisonment without parole the defendant should be sentenced accordingly. If the jury's verdict is death". (Section 9a)

AMENDMENT TABLED

On motion of Rep. Manley, the amendment No. 2 offered by Rep. Kennedy, to the bill, H. 297, was tabled.

Yeas 77; Nays 9.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—77

Nays:

Reps.: Buskey, Clark (W), Harrison, Holmes, Howard, Jackson, Langford, Nevett and Tucker.

—9

MOTION TO ADJOURN LOST

The motion offered by Rep. Reed that the House adjourn; was lost.

MOTION TO RECESS TABLED

On motion of Rep. Manley, the motion offered by Rep. Reed that the House stand in informal recess, was tabled.

Yeas 57; Nays 11.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Clark (G), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Gafford, Gilmer, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Hines, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Pegues, Penry, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Trammell, Turner, Venable, Williams, Wyatt and Zoghby.

—57

Nays:

Reps.: Buskey, Clark (W), Holley, Holmes, Horn, Jackson, Kennedy, Langford, Nevett, Payne and Tucker.

MOTION TO RECESS TABLED

On motion of Rep. Manley, the motion offered by Rep. Reed that the House stand in informal recess for three minutes, was tabled.

Yeas 58; Nays 13.

Yeas:

Mr. Speaker, Barton, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Gafford, Gilmer, Grimsley, Grouby, Harper (T), Harvey, Hines, Johnson (Roy), Kelley, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Williams, Wyatt and Zoghby.

—58

Nays:

Reps.: Buskey, Clark (W), Harrison, Holley, Holmes, Horn, Howard, Jackson, Kennedy, Langford, Nevett, Payne and Tucker.

—13

H. 297 RESUMED

And the bill, H. 297, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 14.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Hines, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—88

Nays:

Reps.: Buskey, Clark (W), Escott, Harrison, Holmes, Horn, Howard, Jackson, Kennedy, Langford, Nevett, Reed, Shavers and Tucker.

—14

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 106. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, February 24, 1981, we adjourn to meet again on Thursday, February 26, 1981, at 11:00 A. M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 106, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 51. Relating to Etowah County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Blake, Brakefield, Cabaniss, Carter, Cheatwood, Coburn, Cooley, Cosby, Daniels, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grouby, Harper (O), Harper (T), Harvey, Johnson (R. G.), Letson, Minus, Moore, Naramore, Parker, Payne, Pegues, Penry, Reed, Roberts, Starkey, Trammell, Venable and Willis.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSOR ADDED

Rep. Drinkard was added as co-sponsor to the bill, H. 51.

RESOLUTION

The following resolution was introduced:

By Rep. Gafford:

H. R. 107. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. J. R. 56.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional questions which have arisen concerning the pending resolution, H. J. R. 56, a copy of which is attached to this resolution and made a part hereof by reference:

1. Do the provisions of H. J. R. 56 violate Section 45 of the state constitution which reads in part: "No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be re-enacted and published at length."?

2. Does H. J. R. 56 violate either section 61, 62 or 63, or any part thereof, of the state constitution?

RESOLVED FURTHER, That the Clerk of the House is hereby directed to send a sufficient number of true copies of the pending resolution, H. J. R. 56, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this resolution.

The resolution, H. R. 107, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 421. To create the office of license commissioner in Houston County; to provide for his appointment; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Johnson (R. G.), Kelley, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Parker, Patton, Pegues, Penry, Ray, Roberts, Shoemaker, Trammell, Ward, Whatley, Williams, Willis and Wyatt.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 316. Relating to the city of Scottsboro in Jackson County; to authorize the city governing body to establish a historic preservation commission and to adopt ordinances and regulations to protect historic architectural character and preserve the general historic character of the city by allowing the designation of historic districts, areas, and sites and adopting other provisions necessary to carry out the purposes of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Carothers, Carter, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Escott, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Johnson (R. G.), Kelley, Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Trammell, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—59

And the bill:

H. 492. Relating to Cleburne County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Blake, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Langford, Letson, McMillan, Minus, Moore, Naramore, Olive, Patton, Penry, Rains, Ray, Reed, Roberts, Shoemaker, Stewart, Trammell, Turner, Venable, Ward, Whatley, Williams and Willis.

—55

And the bill:

H. 493. Relating to Cleburne County; providing further for levying additional court costs, in any criminal proceeding arising out of any drug related crime, and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Edwards,

Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holmes, Johnson (R. G.), Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Penry, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (J), Stewart, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—60

And the bill:

H. 494. Relating to Cleburne County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (J), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

—65

And the bill:

H. 495. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (J), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

—65

And the bill:

H. 519. To provide for an increase of \$10.00 in the court costs which may lawfully be imposed upon conviction, in the municipal court of the Town of Grove Hill, for violation of any municipal ordinance, in addition to all such costs presently authorized by law and to provide that such additional sums be paid into the general fund of the Town of Grove Hill and used by it for promotion of law enforcement.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Hines, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams and Willis.

—70

RESOLUTION

The following resolution was introduced:

By Reps. Starkey, Greer, Goodwin, Coburn, Bowling and Letson:

H. J. R. 108. NAMING HIGHWAY 157 FROM CULLMAN, ALABAMA, TO THE TENNESSEE STATE LINE, THE "UNIVERSITY OF NORTH ALABAMA HIGHWAY."

WHEREAS, the University of North Alabama is one of Alabama's larger four-year institutions of higher learning with an enrollment of some 5,300 students; and

WHEREAS, Highway 157 between Cullman, Alabama, and the Tennessee state line, is a main artery which not only leads to the University of North Alabama but actually traverses the University's campus; and

WHEREAS, the University of North Alabama is Alabama's only four-year institution located on or near said Highway 157; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate Highway 157 from Cullman, Alabama, to the Tennessee state line as the "University of North Alabama Highway," and direct that appropriate signs and markers be erected and maintained so designating said highway.

On motion of Rep. Starkey, the rules were suspended and the resolution, H. J. R. 108, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

S. 31. Relating to Baldwin County; providing for an increase in compensation for members of the board of registrars.

Was read a third time at length and passed.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Hines, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Langford, Letson, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Turner, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—70

And the bill:

S. 32. Relating to Baldwin County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Bowling, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Greer, Grimsley, Grouby, Hall, Harvey, Holmes, Horn, Johnson (R. G.), Langford, Letson, Minus, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Turner, Turnham, Venable, Ward, Williams, Willis and Wyatt.

—60

And the bill:

H. 420. Relating to Fayette County; to provide further for the compensation of certain election officers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Coburn, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Langford, Letson, Minus, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (J), Stewart, Turner, Turnham, Venable, Ward, Williams, Willis and Wyatt.

—57

And the bill:

H. 443. (With Amendment): Relating to the Eleventh Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies or upon appeals to the circuit courts from lower courts.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1 to the bill, H. 443, said committee amendment being as follows:

Amend H. B. 443, page one, Line 14 after the word "felonies" by adding the following: "not punished capitally,".

Further amend H. B. 443, page one, Section 1, Line 19 after the word "felony" by adding the following: "not punished capitally,".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holmes, Horn, Johnson (R. G.), Laird, Langford, Letson, McMillan, Minus, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (J), Starkey, Trammell, Turner, Turnham, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—66

And the bill:

H. 443. Relating to the Eleventh Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally, or upon appeals to the circuit courts from lower courts.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Crow, Daniels, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Hines, Horn, Johnson (R. G.), Laird, Letson, McMillan, Minus, Moore, Naramore, Nevett, Olive, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Seibels, Shoemaker, Smith (J), Starkey, Trammell, Turner, Turnham, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—66

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bill hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:25 P. M. on February 24, 1981.

H. J. R. 71.

H. J. R. 79.

H. J. R. 87.

H. J. R. 88.

H. J. R. 89.

H. J. R. 90.

H. J. R. 91.

H. J. R. 82.

H. J. R. 83.

H. J. R. 85.

Delivered to the Governor at 3:25 P. M. on February 24, 1981.

H. 332.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Reed and pursuant to the resolution, H. R. 106, heretofore adopted, the House adjourned until 11:00 o'clock a. m., Thursday, February 26, 1981.

EIGHTH DAY

House of Representatives
Montgomery, Alabama
Thursday, February 26, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Donald Labelle, First Baptist Church, Chickasaw, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb,

Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

JACK BIDDLE,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the seventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the seventh legislative day was approved.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 109. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, February 26, 1981, we adjourn to meet again on Wednesday, March 4, 1981, at 2:00 p.m.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 109, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. R. 107. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. J. R. 56.

On motion of Rep. Biddle, the resolution, H. R. 107, was adopted.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 60. To amend Section 23-1-41 of the Code of Alabama 1975 which provides for insurance to employees of the state highway department who may be killed or injured in the line and scope of their employment so as to provide for a self-insurance program for such employees; to provide for administration of such program with state highway department personnel; to provide for the financing of such program with highway department funds; to provide for retroactive effect to February 1, 1980 and to provide that any reinsurance policies in effect on the effective date of this Act shall continue in force until September 30, 1981.

H. 296. Proposing an amendment to the Constitution of Alabama restricting all odd-year regular sessions of the legislature to the subjects of budgets, local legislation, and resolutions until the budgets are completed at which time non-budget matters in addition to local legislation and resolutions may be considered, commencing with the 1982 regular session of the legislature; further providing that even-numbered years shall be restricted to non-budget matters; and providing the length of special and regular sessions.

The above bill was read a second time at length as required by the Constitution.

H. 352. To amend Section 8-17-85, Code of Alabama 1975, by raising annual permit fees from \$1.00 to \$10.00.

H. 361. To amend Sections 41-9-720 and 41-9-721 of the Code of Alabama 1975 which provide for the Alabama Aviation Hall of Fame Board so as to provide further for the location of such hall of fame and meeting procedures of such board and to further designate the terms of certain board members.

H. 363. To amend Sections 36-21-60 and 36-21-68, Code of Alabama 1975, which relate to definitions and eligibility for membership in the Peace Officers' Annuity and Benefit Fund, so as to make certain persons, who are specifically excluded from membership, eligible for membership, and to provide that certain persons recently accepted into the fund shall not be given credit for prior service.

H. 371. To provide further for the design of tags of vehicles of disabled veterans.

H. 383. To amend Section 40-9-19 of the Code of Alabama 1975, as amended by Act 80-551 of the 1980 Regular Session of the Alabama Legislature relating to homestead exemptions for ad valorem tax purposes for persons 65 years of age or older and disabled or blind so as to prescribe further the amount of exemption.

H. 391. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, With Substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 407. (With Substitute): Amending Sections 16-8-25 and 16-12-21 of the Code of Alabama 1975 so as to allow teachers and other employees in city and county schools to take vacations during the school year.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, With Amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 417. (With Amendment): To amend Act No. 80-691, H. 811, 1980 Regular Session (Acts of Alabama 1980, p.), which Act creates the Alabama Toll Road, Bridge and Tunnel Authority, defines its powers and duties and authorizes the issuance of revenue bonds, so as to remove certain maximum rates of annual interest such bonds shall bear, thereby authorizing the Authority to sell such bonds in such a manner and for such a price as it may determine to be in the best interest of the Authority.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 499. To amend Section 28-3A-21 of the Code of Alabama 1975 relating to license fees levied for the sale of certain alcoholic beverages, so as to provide further for such licenses for certain clubs.

H. 512. To change the name of the capitol security officers to state capitol police officers, to provide for the powers, duties, and jurisdiction of state capitol police officers, to provide that state capitol police officers shall be provided a uniform of a type and color as prescribed by the director of finance, and to provide that the state department of finance is authorized to insure state capitol police officers against personal injury or death while discharging their duties.

H. 549. To provide for the rate of interest on overdue or overpaid taxes administered by the state department of revenue; and to provide that the percentage of such tax in excess of the present rate of interest assessed by the said department shall be deposited in the general fund of the state treasury.

H. 580. To consolidate the administration of Athens State College, John C. Calhoun Junior College, and John C. Calhoun Technical College under a single administration.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, With Substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 327. (With Substitute): To amend Act No. 80-477 which amended Section 2, Act 100, Second Special Session 1959 (Section 40-23-2, Code of Alabama 1975, as amended) to require that sales tax on automotive vehicles, truck trailers, semi-trailers, or house trailers required to be registered with the Judge of Probate or other licensing authority be paid to the Judge of Probate or other licensing authority at the time of registering and licensing the unit; and to require the Judge of Probate or other licensing authority to remit the tax collected to the Department of Revenue, and provides for the distribution of the tax collected.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

H. 132. To amend Sections 12-16-100 and 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

H. 531. To provide that when any member of any reserve police force of an incorporated municipality, while acting in the line and scope of his authority and in good faith, makes an effort to protect and preserve property or makes an effort to preserve the peace, that such member shall not be liable for any civil damages as a result of any act or omission, provided they are not guilty of wanton misconduct.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, With Amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 169. (With Amendment): To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 274. To amend Code of Alabama 1975, § 16-24-30 to change the secretary of the State Tenure Commission and to designate the location for State Tenure Commission records.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, With Substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 36. (With Substitute): To amend Section 35-4-383 of the Code of Alabama 1975, so as to provide further for leases, contracts of exchange, or other disposition of real estate made by any department, commission or other agency of the state of Alabama; to prescribe that certain prerequisites be adhered to prior to the execution of any lease of real property with the state of Alabama or any of its agencies as lessee, including, but not limited to: prior public notification and invitations to bid, subsequent public notice of not more than the three most suitable sites thereafter under consideration together with certain terms of the lease, cost, location, square feet, maintenance, and responsibilities of the lessee; to provide for a public hearing in the locality where the realty is situated; to provide further for the official approval of such leases and contracts; and to prescribe that such prerequisites shall be applicable to any state agency whether state or federal funds are used for leasing.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 537. To make further provisions for the issuance of obligations by the Alabama Highway Finance Corporation by amending Article 7 of Chapter 1 of Title 23 of the Code of Alabama, 1975, as amended, so as to exempt all obligations issued by the Corporation from the laws of the State governing usury or prescribing or limiting interest rates including but without limitation to the provisions of Chapter 8 of Title 8 of the Code of Alabama, 1975.

H. 425. To prescribe the time within which a prosecution under the competitive bid laws must be commenced.

H. 553. This bill provides for the abolishment of the Modular Housing Division of the Alabama Development Office and transfer of all of the personnel, funds, appropriations, papers, documents, files, materials, equipment, supplies, duties, responsibilities and other effects of the Modular Housing Division of the Alabama Development Office to the office of the Alabama State Fire Marshal, a division of the Alabama Insurance Department.

H. 554. This bill provides for the certification of manufactured buildings; to provide for the regulation, administration and enforcement of the provisions of this Act by the Alabama State Fire Marshal and to provide penalties for violations of this Act or any rule or regulation promulgated hereunder.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 482. (With Amendment): Prescribing certain procedures which shall govern the sale or leasing of any public lands belonging to the state or any of its agencies or departments.

H. 374. (With Amendment): To amend Section 25-4-146, Code of Alabama 1975, relating to the police powers of certain employees of the department of industrial relations so as to extend their power to the enforcement of all criminal laws of the state as they relate to the interests of the department of industrial relations.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 395. To amend Section 25-4-51, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to clarify the period required for a reimbursing employer to become eligible to change method of financing benefit costs; to provide for the succession of any by governmental entities; designate liability for resulting benefit cost and recovery of such costs from an abolished state agency and to provide for the modification of advance payment rates for governmental employers and the procedure for appealing an assigned or modified rate.

H. 545. To amend Section 9-17-26 of the Code of Alabama 1975, relating to oil and gas 2% production tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

H. 546. To amend Section 40-20-5, of the Code of Alabama 1975, relating to oil and gas severance tax and the required dates for filing with the State Department of Revenue by reporting parties so as to change the required report filing date from the fifteenth day of the calendar month to the last day of the calendar month.

H. 547. To amend Section 25-4-75, Code of Alabama 1975, as last amended, to comply with the requirement of federal law as contained in Public Law 96-499 relating to benefits under the extended benefit program so as to provide for a limit to the first 2 weeks of benefits paid on an interstate claim filed in an agent state where no extended benefit period is in effect; to provide restrictions on eligibility for such benefits to individuals who fail to accept any offer of suitable work and to define "suitable work", actively engage in systematic and sustained effort to find work and to furnish tangible evidence of such efforts; to provide penalties for violations thereof; and to meet the requirements that these provisions become effective for weeks of unemployment commencing after March 31, 1981.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 364. (With Substitute): To repeal Section 12-10-1 through Section 12-10-5, Code of Alabama 1975, in order to abolish the judicial compensation commission.

H. 365. (With Substitute): To propose an amendment to the Constitution of Alabama 1901 to abolish the judicial compensation commission.

The above bill was read a second time at length as required by the Constitution.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 376. To amend Sections 36-26-16 and 36-26-17 of the Code of Alabama, 1975, so as to increase the number of eligibles an appointing authority may have to consider in filling vacancies by appointment from eligible registers.

Rep. Cabaniss, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 238. To amend Sections 27-8-1 through 27-8-9, 27-8-11 through 27-8-17, 27-8-20 through 27-8-22, and 27-8-26 through 27-8-28, Code of Alabama 1975, which provide for the licensing of life and disability insurance agents, brokers and representatives, so as to provide further for said licensing; to require educational instruction for new representatives; to permit the licensing of partnerships and corporations; to establish a fee schedule for licenses; to provide further for revocation or suspension of licenses and the procedure thereof; and to further provide for the issuance of temporary and nonresident licenses.

H. 248. To amend Section 27-19-38 of the Code of Alabama, 1975, which section requires that certain health insurance policies issued in Alabama shall provide automatic dependent childrens' coverage for newly born children as of the moment of birth, so as to provide that all individual or group health insurance policies issued in Alabama shall provide such automatic dependent childrens' coverage from the moment of birth, effective 60 days following passage and enactment of this amendatory Act.

H. 301. To further regulate interest rates on life insurance policy loans and to provide for any conflicts between the provisions of this bill and Section 27-15-5, Code of Alabama 1975.

H. 481. To provide for health insurance claim forms; requiring the State Insurance Commissioner to prescribe standard health insurance claim forms to be used by hospitals; requiring acceptance of such forms of insurers doing business in the State of Alabama; requiring the use of such forms by those agencies of the state which pay providers of health care for hospital and physicians' services.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 426. To amend § 33-5-17, Code of Alabama 1975, so as to increase boat registration fees.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 411. (With Substitute) (With Amendment): To increase the commercial oyster tonging license from One Dollar (\$1.00) to Ten Dollars (\$10.00) in October 1981 and to Twenty Dollars (\$20.00) in October 1982.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 585. To provide that certain vehicles may not be operated on the beaches and sand dunes on the Gulf of Mexico along the southern boundary of the State of Alabama; prescribing penalties.

H. 586. To provide that the conservation advisory board shall have the power to promulgate shop rules and regulations having the force and effect of law to regulate, including the authority to prohibit, the use of airboats on any of the public waters of this state; and to provide for penalties for violations.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 588. To amend Section 17-9-33, Code of Alabama 1975, which provides for the canvassing of votes and the proclamation of election results, so as to allow non-carbonized paper to be used on the statements of canvass.

Rep. Holley, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 349. To control the movement of railroads, trucks, ships, barges and airplanes to and from any area under an evacuation alert because of rising water, the approach of a hurricane or other natural disaster.

H. 362. To control the movement of trains to and from any area under an evacuation order because of an actual or impending emergency as declared by the Governor; and to provide penalties for violations of the provisions of this Act.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 397. Relating to the City of Florence; repealing Act No. 2459, H. 2839 of the 1971 Regular Session (Acts 1971, Vol. V, p 3925), entitled "An Act to prohibit the City of Florence, or any agency thereof, from collecting outside the corporate limits of said city any permit fees, inspection fees or other fees with respect to the enforcement of any building code provision; to provide that building code provision; to provide that building code provisions may be enforced within the police jurisdiction of said city, but to limit the collection of all fees and charges therefor to the area within the corporate limits of the City of Florence."

H. 476. Relating to the Town of Killen, Lauderdale County; providing for annexation to the Town of Killen.

H. 568. To repeal Act No. 158, 1969 Special Session, and Act No. 950, 1969 Regular Session, relating to compensation and expense allowances paid to the board of equalization in counties with a population of not less than 13,700 nor more than 14,300 inhabitants.

H. 569. Relating to Lamar County; providing for the amount of compensation to be paid members of the jury commission, board of equalization and the board of registrars.

H. 576. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Cleburne County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Cleburne County; and prescribing the procedure for the collection of such assessments.

H. 587. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Elmore County shall have or exercise police jurisdiction within Elmore County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Elmore County or over or on any person in Elmore County or property or business or trade or profession in Elmore County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Elmore County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Elmore County.

S. 110. Relating to Etowah County; setting the compensation of supernumerary district attorneys and providing for a supplement from the general funds of such county under certain circumstances.

S. 165. Relating to Etowah County; providing further for mileage allowance for returning officers; providing for the payments of such mileage to be made from funds in the county treasury not otherwise appropriated, or in the case of municipal elections, such payments shall be made from municipal funds by the municipal governing body.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 14. To amend Section 2 of Act No. 929, H. 1365, 1961 Regular Session (Acts 1961, p. 1487), relating to the Mobile Tree Commission.

H. 229. To regulate and control the operation and licensing of massage parlors within Mobile County; and providing penalties for violation.

Rep. Hammett, Chairman of the Sunset Committee, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 101. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons as provided in Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 2-28-1, 2-28-4, 2-28-7, 2-28-8 and 2-28-10 of the Code of Alabama 1975 so as to: delete the definition of "suboffice"; authorize a fee for each examination given by the board; to authorize the denial or revocation of certificates or licenses of individuals regulated by the board; to authorize the board to provide for reciprocal agreements with other states; and increase existing bond coverage and provide for insurance for products liability for licensees of the board.

H. 102. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-4, 34-29-20, 34-29-41, and 34-29-45 of the Code of Alabama 1975, so as to: limit board members to two terms; and authorize the board to increase the following fees: (1) examination fee for veterinarians, not to exceed \$50.00; (2) annual renewal fees for veterinarians, not to exceed \$25.00; (3) examination fee for animal technicians, not to exceed \$25.00; and (4) annual renewal fees for animal technicians, not to exceed \$15.00.

H. 104. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Section 34-7-1 through 34-7-47 of the Code of Alabama 1975, as amended, with certain modifications; to amend Section 34-7-1, 34-7-4, 34-7-7, 34-7-11, 34-7-16, 34-7-17, 34-7-19, 34-7-21, 34-7-24, 34-7-40, and 34-7-46, Code of Alabama 1975; and to repeal Sections 34-7-8, 34-7-13, 34-7-14, 34-7-22, and 34-7-23, Code of Alabama 1975, so as to: Provide further for the definitions and add two (2) new definitions of "master cosmetologist" and "booth rentals": provide further for the qualifications of applicants of the

board; remove the test for syphilis on the physician's report of applicants; provide for biennial fees and authorize the board to increase fees up to certain amounts; exempt classes of public school boards of education and public trade schools from various provisions of article 7 of Title 34; provide further requirements of temporary licensing; authorize the board to prorate fees in the implementation of biennial licensing; remove subpoena power from board in relation to refusal, revocation or suspension of licenses or certificates; further define exempted occasional hair dressers who receive no compensation; provide all board members must be licensed cosmetologists and need not be at least 25 years of age; provide that board investigations must be initiated by a majority of the board members; and repeal various code sections which are either redundant or superfluous, or have served their intended purposes; and to eliminate county exemptions so as to provide for statewide application of article 7 of Title 34 of the Code of Alabama 1975.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 97. COMMENDING MR. HOWARD HALL OF CHEROKEE COUNTY, ALABAMA.

Also:

H. J. R. 100. DESIGNATING SELMA AS THE ALABAMA TALE TELLIN' CAPITAL.

Also:

H. J. R. 102. NAMING THE NEW BRIDGE JUST SOUTH OF MONTGOMERY ON HIGHWAY 331, SPANNING THE CATOMA CREEK, THE "PETE PETERSON BRIDGE."

Also:

H. J. R. 103. MOURNING THE DEATH OF DR. RALPH DEMPSEY BROWN OF TUSCALOOSA, ALABAMA.

Also:

H. J. R. 104. MOURNING THE DEATH OF COACH WILBUR HALL HUTSELL.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Whatley:

H. 593. To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$3,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Ways and Means.

By Rep. Campbell:

H. 594. To prescribe the authority and powers of District Attorney investigators.

Judiciary.

By Rep. Kennedy:

H. 595. Relating to voter registration; to amend Code of Alabama, 1975, Section 17-4-158 so as to require that any qualified elector be appointed as deputy registrars.

State Administration.

By Rep. Cosby:

H. 596. To provide a procedure in all Class 5 municipalities for filling vacancies, unless otherwise provided by local law, occurring in the governing bodies of such municipalities; to provide for special elections in certain circumstances; and to provide that this procedure shall apply to any vacancies existing as of the effective date of this Act.

Local Government.

By Reps. Amari, Bennett, Zoghby, Johnson (Roy) and Barton:

H. 597. To be known as the "Long-Term Care Ombudsman Act"; to provide general definitions; to authorize the State Long-Term Care Ombudsman and the Alabama Commission on Aging to investigate complaints concerning long-term care facilities and to certify community ombudsmen; to provide the responsibilities of community ombudsmen; to require the cooperation of other state agencies and their employees; to establish procedures for receiving, investigating, and resolving complaints; to require that these procedures be posted; to provide for immunity of complainants; to repeal conflicting laws; and to provide an effective date.

Judiciary.

By Rep. McKee:

H. 598. To provide for a reorganization of the Alabama public service commission by increasing the membership of the commission and establishing an office of director of utility consumer representation; to provide means to carry out and enforce the declared public policy of preserving, protecting and promoting the interest of the using and consuming public in regard to the regulation of public utilities; to provide a bill of rights for utility consumers of the state; to provide for the declaration of public policy regarding the regulation of public utilities in this state; to provide criminal penalties relating to violations of this act by commissioners, employees of the commission, the director, employees of the office of the director and other persons, utilities and businesses regulated by the commission; to provide for admissibility of accomplice testimony in trials relating to the penalty provisions of this act; to provide for eligibility requirements and qualifications for commissioners, the director and employees; to provide for removal of commissioners, the director and employees; to provide for the formation of political committees in regard to elections of commissioners and the director; to provide registration and reporting requirements of said political committees; to require campaign finance disclosure in relation to elections of commissioners and the director; to provide for implementation of disclosure and reporting requirements in relation to such elections; to provide criminal penalties for failing to file reports or statements of filing false reports or statements in regard to elections for commissioners and the director; to provide criminal penalties generally in regard to elections for commissioners and the director; to provide a code of ethics for commissioners, the director and employees; to provide rights of utility consumers to participate in hearings of the commission; to provide for utility consumers' right to reasonable rates and charges; to provide utility consumers the right to be protected against unwarranted exercise of the power of eminent domain; to provide utility consumers the right of access to utility services and the right of continuation of such service; to provide utility consumers with the right of access to non-utility property of utilities; to provide definitions for the purpose of this act; to amend and repeal certain provisions of Title 37, Code of Alabama, 1975; to provide new salaries for commissioners and the director; to provide a staff of employees for the director; to reduce and transfer the staff of employees of the commission; to provide for a legislative oversight committee for utility consumers; to provide powers, duties and responsibilities of commissioners and the director; to provide for the assignment of an assistant attorney general to represent consumers and the state in proceedings before the commission; to provide for rules of procedure for commission proceedings; to provide service of papers on the director; to provide the director with funds to represent the consuming public; to provide rights of appeal for the director; to provide bonds, meetings, domicile for the commission and the director; to provide for actions to enforce

penalties of forfeitures; to provide for consumer intervention in proceedings before the commission; to provide subpoena powers for the director and the commission; to provide procedures for appeals of commission orders; to provide for rules and regulations of the commission and to provide the director with enforcement powers; to provide for valuation of utility property and to provide when such valuation may be made.

Commerce, Transportation,
and Utilities.

By Reps. Bedsole, Smith (M), Gilmer and Hines:

H. 599. To require group health insurance policies, contracts and plans to provide certain benefits for the care and treatment of mental, emotional or nervous disorders, drug dependence, alcoholism, or mental retardation in licensed or certified programs and to provide for minimum levels of benefits.

Health.

By Rep. Gafford:

H. 600. Relating to Jefferson County; to abolish all branch courthouse offices operated by any county official and to abolish the position of any public official designated to serve in any of said branch offices.

Local Legislation No. 2.

By Reps. Howard, Clark (W), Kennedy and Escott:

H. 601. To provide for a special discount utility rate for certain persons 62 years of age or older and certain totally disabled and totally blind persons during periods of high electric or natural gas usage, provides for administration of the discount rates by the Department of Pensions and Security and provides for reimbursement of the utility by a credit against the state public utility license tax liability of such utility.

Ways and Means.

By Reps. McMillan, Penry, Bedsole, Stewart, Hines and Sandusky:

H. 602. To create the Historic Blakeley Authority to establish as a state park the lands in Baldwin County known as the Blakely site; provides for membership on the board of the authority; provides that the board shall have corporate powers; provides for the issuance of bonds; and provides that the authority shall employ personnel to operate and maintain the state park.

Ways and Means.

By Rep. Holley:

H. 603. To amend section 5-19-15 of the Code of Alabama 1975 relating to garnishment so as to conform to the federal statute.

Judiciary.

By Rep. Sasser:

H. 604. To create an additional judgeship for the Thirty-third Judicial Circuit of Alabama; to provide for the election of the first judge and of subsequent judges to fill this judgeship; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such judge, and to

render such judge liable to all the pains and penalties of other circuit judges in this state; to increase the number of circuit judges in the Thirty-third Judicial Circuit of Alabama to two; to amend Section 12-17-20 of the 1975 Code of Alabama; to repeal all laws or parts of laws in conflict herewith, and to provide the effective date of this act.

Ways and Means.

By Rep. Campbell:

H. 605. To provide that a probate judge who celebrates the rites of matrimony shall be entitled to any fee charged as personal compensation for services rendered.

Ways and Means.

By Rep. Letson:

H. 606. To amend Section 2-22-12, Code of Alabama 1975, pertaining to penalties, payable to the consumer by the licensee, for deficiencies found in commercial fertilizer; to assess an additional penalty against the licensee payable to the Commissioner of Agriculture and Industries for deposit into the Agricultural fund, an amount of twice the penalty assessed, payable to the consumer.

Ways and Means.

By Rep. Turnham:

H. 607. To amend Sections 34-8-2, 34-8-4, and 34-8-5, Code of Alabama 1975, which relate to the licensing and regulation of general contractors, so as to provide further for said licensing.

State Administration.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Minus:

H. J. R. 110. HONORING MR. WALTER ALBERT GREENE, PROMINENT SUMTER COUNTY BUSINESSMAN AND CIVIC LEADER.

WHEREAS, the Alabama Legislature has noted with deep admiration and esteem, the many outstanding accomplishments of Mr. Walter Albert Greene and his contributions of note to the citizenry of Sumter County; and

WHEREAS, having worked for the railroad for some 22 years, Mr. Greene also was a successful businessman who has owned a dry cleaning and laundry operation, a hotel, restaurant, feed mill and feed store; he further has been an oil distributor, builder, developer of homes and subdivisions and engaged in chicken, pig and cattle farming; and

WHEREAS, always civicly involved, Mr. Greene served for 24 years on the Sumter County School Board, served one term on the York City Council and has held membership in the Rotary Club and the Lions Club; he is a member of the Eastern Star, he is a Shriner and a past Grand Master of the Masonic Order; and

WHEREAS, Mr. Greene, born in 1900, is a native and lifelong resident of his beloved Sumter County and he has been a member of the First Baptist Church of York since 1924; faithful in attendance, and in service, he has been a Deacon, Superintendent of the Sunday School and served as chairman of the Church's Finance Committee; and

WHEREAS, Walter Albert Greene, through a lifetime of care and concern for his community has endeared himself to the residents of Sumter County and is one of said county's most beloved and highly respected citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Walter Albert Greene of York, Alabama, and express our deep gratitude for his longtime and concerned involvement in the affairs of Sumter County.

BE IT FURTHER RESOLVED, That Mr. Greene receive a copy of this resolution that he and his wife, Mrs. Everett Fort Greene, their three daughters and other family members may know of this body's warm best wishes and high regard.

On motion of Rep. Minus, the rules were suspended and the resolution, H. J. R. 110, was adopted.

Also:

By Reps. Pegues and Cosby:

H. J. R. 111. COMMENDING MARION MILITARY INSTITUTE ON ITS FORMAL REVIEW HONORING THE COURAGEOUS MEN AND WOMEN OF OUR ARMED FORCES WHO SERVED DURING THE VIETNAM CONFLICT.

WHEREAS, Alabama's historic Marion Military Institute, founded in 1842, is prestigious in its designation by the Department of the Army as an Honor Military School; and

WHEREAS, it is to be noted with utmost praise that Marion Military Institute is conducting a Formal Review by the Cadet Battalion in honor of the courageous men and women of our Nation's Armed Forces who served in loyalty and in combat during the Vietnam Conflict; and

WHEREAS, these millions of Americans who so faithfully served in Vietnam are our country's forgotten heroes, true patriots whose great sacrifice has yet to be recognized by their homeland and by their fellow countrymen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Marion Military Institute and its spirit of true patriotism in conducting a Formal Review in honor of the veterans of Vietnam who, during said conflict, served their country with honor and in great courage.

BE IT FURTHER RESOLVED, That Marion Military Institute receive a copy of this resolution tendered in commendation by the Alabama Legislature.

On motion of Rep. Pegues, the rules were suspended and the resolution, H. J. R. 111, was adopted.

Also:

By Reps. Starkey, Cosby and Mitchell:

H. R. 112. CREATING A HOUSE COMMITTEE TO INVESTIGATE OPERATION OF THE DEPARTMENT OF FORENSIC SCIENCES.

WHEREAS, the Department of Forensic Sciences has seen fit to make readjustments in organizational structure and has plans to cease operations of various laboratories across the state; and

WHEREAS, because of the excellent service now provided by the present Florence Laboratory, prosecutors in the immediate area have the advantage of information relating to a specific crime readily available, thereby expediting the investigative process; and

WHEREAS, should operations cease at the Florence Lab, expenses will immediately increase due to the cost involved in traveling to sparsely located laboratories to obtain needed information or toxicology lab results; and

WHEREAS, in some cases, the only savings to be realized by the closing of facilities would be the cost of utilities, a negligible amount offset by savings in travel and related expense; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That there is hereby created a committee to be composed of three members of the House, appointed by the Speaker, to investigate the operation of the Department of Forensic Sciences and make recommendations to the House as to how the Department might operate more efficiently, or as to the feasibility of abolishing the Department of Forensic Sciences and turning over control of the facilities to approved local authorities. The committee will make its report no later than the 12th legislative day of the current session of the Legislature.

BE IT FURTHER RESOLVED, That, by copy of this resolution, the Director of the Department of Forensic Sciences is directed to provide the committee with all information requested by said committee concerning operation of the department.

On motion of Rep. Starkey, the rules were suspended and the resolution, H. R. 112, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee Reps. Starkey, Cosby and Mitchell.

Also:

By Reps. Kennedy, Sandusky, Bedsole, Harper (T), Stewart, Parker, Clark (W), Zoghby, Buskey, Turner and McMillan:

H. J. R. 113. COMMENDING MISS RAMONA LORET DOYLE.

WHEREAS, the Legislature of Alabama is both pleased and proud to note the many outstanding accomplishments of Miss Ramona Loret Doyle, most particularly in the areas of leadership and academics; and

WHEREAS, Miss Doyle, who is the accomplished daughter of Mobile Mayor and Mrs. Robert B. Doyle, Jr., is a senior at Sewanee, the University of the South, and is a member of Phi Beta Kappa, Omicron Delta Kappa leadership fraternity and, most recently, was prestigiously selected, in December 1980, as a Rhodes Scholar; and

WHEREAS, now a Sewanee senior, Miss Doyle has been on the Dean's List, successively, since 1977 and has been a member of the academic honorary Order of Gownsmen since 1978; she is a Georgia M. Wilkins Scholar, which is the University of the South's highest award to entering freshmen, and participated on scholarship in the British Studies at Oxford in 1979; and

WHEREAS, active in governmental affairs, Miss Doyle has been a member of the Women's Interdormitory Council and has served on numerous student government committees related to curriculum, academic affairs, commencement, orientation, parent's weekend, which she chaired in 1980, and the 1980 Women's Conference; and

WHEREAS, she has been a contributor since 1978 to the student literary magazine, The Mountain Goat, which she also served as Editor-in-Chief; she was editorial assistant for two years for the Cap and Gown Yearbook; is a contributor, since 1978, to The Sewanee Purple newspaper and a former editorial board member; and she is 1979 second place winner of the Bain-Swiggert Poetry Contest at Sewanee; and

WHEREAS, Miss Doyle is a member of the Women's Soccer Team, an Intramural swimmer with two unbroken records, a member of the Sewanee Outing Club, and has participated in Intramural football, basketball and volleyball; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Miss Ramona Loret Doyle of Mobile, Alabama, for outstanding achievement as a scholar, a young leader and a young lady of accomplishment in all areas of student life.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Miss Doyle and to her parents, Mayor and Mrs. Doyle of Mobile, that they may know of our high regard and warm best wishes for every future success.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 113, was adopted.

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Kennedy, Clark (W) and Buskey:

H. R. 114. COMMENDING EMANUEL AFRICAN METHODIST EPISCOPAL CHURCH OF MOBILE ON THE 100th ANNIVERSARY OF ITS FOUNDING.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Higginbotham:

S. 136. To create an Equipment Management Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Management Surplus Reserve Accounts; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment; the provisions of this act shall be retroactive to October 1, 1980.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 136. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Denton:

S. 154. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, S. 154, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Gulledge:

S. 8. To amend Section 22-21-77 of the Code of Alabama 1975, so as to further provide for the powers of county hospital boards and corporations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 8. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Proctor (With Notice and Proof):

S. 101. Relating to Talladega County; to amend further Act No. 79-592, H. 948, 1979 Regular Session (Acts 1979, p. 1051), entitled, "An act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to provide for financing of juvenile justice and law enforcement, by increasing the costs and charges of Court.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. B. 101 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 101. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Gullledge:

S. 6. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Baldwin County.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate bill, S. 6, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Gulledge:

S. 159. To amend further §11-41-1, Code of Alabama, 1975, as amended, relating to the incorporation of municipalities so as to increase the population requirements for the incorporation of an unincorporated community.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 159. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Teague:

S. J. R. 52. PERMITTING THE JOINT INTERIM COMMITTEE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION TO REPORT ON THE TENTH LEGISLATIVE DAY RATHER THAN THE SIXTH.

WHEREAS, Act 80-576, S. J. R. 181 of the 1980 Regular Session established a joint interim committee to study the reorganization of the Alabama Public Service Commission created by Act No. 80-119, H. J. R. 106 of the 1980 Regular Session and report its findings, conclusions and recommendations on or before the sixth legislative day of the 1981 Regular Session; and

WHEREAS, the complexity of this study has dictated the need for a time extension for the report of this committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Committee to study the reorganization of the Alabama Public Service Commission is hereby authorized to report on the tenth legislative day rather than the sixth.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 52, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Hilliard:

S. J. R. 48. CONGRATULATING MISS KATHRINA DENISE GUNN, IMPERIAL DEBUTANTE QUEEN.

Also:

By Mr. Hilliard:

S. J. R. 49. HONORING DR. BEATRYCE T. NEWTON, ASSOCIATE PROFESSOR OF EDUCATION, UNIVERSITY OF ALABAMA IN BIRMINGHAM.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 48 and S. J. R. 49, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Higginbotham:

S. J. R. 50. EXTENDING THE REPORTING DATE OF THE ALABAMA COMMISSION ON HIGHER EDUCATION TO THE LEGISLATURE CONCERNING BRANCH CAMPUSES OF UNIVERSITIES OR JUNIOR COLLEGES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the reporting date of the Alabama Commission on Higher Education to the Legislature, as provided by Section 8 of Act No. 79-461, Regular Session 1979 (Acts of 1979, p. 816), concerning branch campuses of universities or junior colleges, shall be extended to a date set by the Joint House of Representatives and Senate Education Committees.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 50, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Barron, Bailey, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White.

S. J. R. 46. MOURNING THE DEATH OF WILLIAM N. McQUEEN.

WHEREAS, The state of Alabama lost one of its most astute legal figures last July in the death of William Northington McQueen; and

WHEREAS, Billy McQueen received his law degree in 1933 from the University of Alabama, and served with distinction in private law practice, as Attorney General, and as legal adviser to Governor Gordon Persons; and

WHEREAS, Mr. McQueen, though unassuming in nature, won the respect and admiration of the entire legal fraternity, and worked tirelessly to protect and interpret constitutional law in his beloved state; and

WHEREAS, Billy McQueen was a true Christian gentleman and a devoted member of St. John's Episcopal Church, serving in many capacities in his parish and diocese; and

WHEREAS, He died at the age of 71, but had the energy and youthful spirit of a much younger man; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we were honored to have William McQueen as a friend; we are deeply grateful for his many accomplishments and services to the state of Alabama, and to his fellow man.

BE IT FURTHER RESOLVED That our heartfelt sympathy is expressed to his wife, Mrs. Polly McQueen, his daughter, Mrs. Charles Voltz, and his son, William N. McQueen, Jr., to whom copies of this resolution will be sent.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 46, set out in the above and foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Reps. Dial, Williams and Sasser:

H. R. 115. RECOMMENDING THE APPOINTMENT OF REPRESENTATIVE LEIGH PEGUES AS EXECUTIVE DIRECTOR, ALABAMA COMMISSION ON HIGHER EDUCATION.

WHEREAS, Dr. John F. Porter, Jr., has tendered his resignation as Executive Director of Alabama Commission on Higher Education, effective October 1, 1981, such vacancy to be filled by Gubernatorial appointment; and

WHEREAS, recognizing the immense responsibilities of this office, the Alabama Legislature feels most strongly that Dr. Porter's successor must be highly and uniquely qualified with a thorough knowledge of the duties, authority and functions of the Commission; and

WHEREAS, Representative Leigh Pegues unquestionably fulfills the aforementioned requisites and his concern for and interest in positive programs for higher education in our state are a matter of record; and

WHEREAS, Mr. Pegues has not only handled legislation in the past which has successfully strengthened the Commission, but also is now handling Governor James' proposed legislation on higher education during this current session; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That, confidently and without reservation, we most highly recommend the appointment of Representative Leigh Pegues to the impending vacancy of the office of Executive Director of the Alabama Commission on Higher Education.

BE IT FURTHER RESOLVED, That Governor James be advised, by copy of this resolution, of the Legislature's recommendation.

On motion of Rep. Dial, consideration of the resolution, H. R. 115, was temporarily postponed.

BILLS ON THIRD READING

H. 378 POSTPONED

On motion of Rep. Minus, the bill, H. 378, was postponed to the ninth legislative day.

And the bill:

H. 33. Relating to Jefferson County; providing for an additional allowance for election officials who work at polling places.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 0.

Yeas:

Reps.: Amari, Barton, Bennett, Biddle, Blake, Bowling, Cabaniss, Carter, Cates, Cheatwood, Clark(G), Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Harper (O), Harvey, Manley, Moore, Naramore, Payne, Pegues, Smith (C), Smith (J), Trammell, Venable, Waggoner, Warren and Willis.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 163 POSTPONED

On motion of Rep. Waggoner, the bill, H. 163, was postponed to the ninth legislative day.

H. 79 POSTPONED

On motion of Rep. Manley, the bill, H. 79, was postponed to the eleventh legislative day.

S. 27 SUBSTITUTED FOR H. 90

On motion of Rep. Manley, the bill, S. 27, was substituted for the bill, H. 90.

And the bill:

S. 27. To provide for a durable power of attorney that may survive disability, incompetency, or incapacity or until actual knowledge of death of the principal.

Was read a third time at length and passed.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams, (C), Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cates, Clark (G), Cooley, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Hines, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Parker, Ray, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

—61

H. 90 INDEFINITELY POSTPONED

On motion of Rep. Manley, the bill:

H. 90. To provide for a durable power of attorney that may survive disability, incompetency, or incapacity or until actual knowledge of death of the principal.

Was indefinitely postponed.

And the bill:

H. 83. To amend Sections 37-2-41, 37-4-23 and 37-4-24 of the Code of Alabama 1975 relating to inspection and supervision fees paid by transportation companies and utilities and the recovery of delinquent fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark, (W), Cobb, Cooley, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sasser, Seibels,

Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—82

Nay: Rep. Rains.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 108. NAMING HIGHWAY 157 FROM CULLMAN, ALABAMA, TO THE TENNESSEE STATE LINE, THE "UNIVERSITY OF NORTH ALABAMA HIGHWAY".

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 268. Relating to Covington County; providing for an additional expense allowance for the members of the board of registrars of said county and providing for its retroactive effect.

Also:

H. 269. Relating to Covington County; to legalize the sale of draft or keg beer or malt beverages.

McDOWELL LEE,
Secretary.

BILLS ON THIRD READING RESUMED

And the bill:

H. 35. To repeal Section 12-18-62 of the Code of Alabama 1975 which disallows the practice of law by retired district judges.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Holley to indefinitely postpone the bill, H. 35, was lost.

Yeas 23; Nays 60.

Yeas:

Reps.: Carter, Cheatwood, Cobb, Coburn, Daniels, Goodwin, Greer, Holley, Holmes, Horn, Howard, Johnson (Roy), Laird, Lewis, Olive, Parker, Penry, Rains, Reed, Riddick, Seibels, Smith (C) and Starkey.

—23

Nays:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Cates, Clark (G), Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Kelley, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Patton, Payne, Ray, Roberts, Sandusky, Shavers, Shoemaker, Smith (J), Smith (M), Stewart, Turner, Turnham, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—60

And the bill, H. 35, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 22.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Campbell, Carothers, Cates, Clark (G), Clark (W), Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gregg, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Kelley, Kennedy, Letson, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Patton, Payne, Pegues, Ray, Reed, Roberts, Sandusky, Shavers, Shoemaker, Smith (J), Smith (M), Stewart, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—63

Nays:

Reps.: Carter, Cheatwood, Coburn, Daniels, Gilmer, Goodwin, Greer, Grimsley, Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Laird, Lewis, Olive, Parker, Rains, Riddick, Seibels, Smith (C) and Starkey.

—22

And the bill:

H. 84. To amend Section 16-13-146, Code of Alabama 1975 to increase the interest rate which county and city boards of education may pay on current loans secured in accordance with the provisions of Section 16-13-145, Code of Alabama 1975.

Was taken up.

SUBSTITUTE OFFERED

Rep. Manley offered the following substitute to the bill, H. 84:

A BILL TO BE ENTITLED AN ACT

H. 84. To amend Section 16-13-146, Code of Alabama 1975, to increase the interest rate which county and city boards of education may pay on current loans secured in accordance with the provisions of Section 16-13-145, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-13-146, Code of Alabama 1975 is hereby amended to read as follows:

" §16-13-146. Interest rate on current loans. County and city boards of education shall have authority to pay interest at a rate not exceeding eight percent per annum on current loans secured in accordance with the provisions of section 16-13-145. County and city boards of education shall have the right to call upon the state superintendent of education for assistance in securing loans at as low interest rate as possible."

Section 2. All laws or parts of laws in conflict herewith are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams and Wyatt.

—81

And the bill:

H. 84. To amend Section 16-13-146, Code of Alabama 1975, to increase the interest rate which county and city boards of education may pay on current loans secured in accordance with the provisions of Section 16-13-145, Code of Alabama 1975.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Hines, Holmes, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Olive,

Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams and Wyatt.

—85

Nay: Rep. Holley.

—1

And the bill:

H. 271. To repeal Section 12-18-89, Code of Alabama 1975, which prohibits probate judges from practicing law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 9.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gregg, Grimsley, Hall, Hammett, Hines, Holmes, Johnson (Roy), Kelley, Kennedy, Laird, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Ray, Reed, Sasser, Shavers, Shoemaker, Smith (J), Smith (M), Starkey, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—66

Nays:

Reps. Cheatwood, Daniels, Gilmer, Greer, Holley, Johnson (R. G.), Lewis, Rains and Seibels.

—9

And the bill:

H. 81. To amend Section 27-29-2, Code of Alabama 1975 (as amended Act Number 80-199, Acts of Alabama 1980), which provides for investments in subsidiaries and affiliates of domestic insurance companies.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Hines, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Seibels, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams and Wyatt.

—85

On motion of Rep. Barton, the bill, S. 1, was substituted for H. 5.

And the bill:

S. 1. To amend Section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

Was read a third time at length and passed.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harvey, Hines, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Warren, Williams, Wyatt and Zoghby.

—72

Nay: Rep. Jackson.

—1

H. 5 INDEFINITELY POSTPONED

On motion of Rep. Barton, the bill:

H. 5. To amend section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

Was indefinitely postponed.

RESOLUTION

The following resolution was introduced:

By Rep. Ford:

H. J. R. 116. NAMING THE ATTALLA, ALABAMA, RECREATION BUILDING THE "WILLIE CARNES RECREATION BUILDING."

WHEREAS, Willie J. Carnes is now serving his third term as Mayor of the City of Attalla; he previously served two terms, from 1960 until 1968, as a member of the Attalla City Council; and

WHEREAS, a jeweler and watchmaker for some twenty years, Mayor Carnes also was employed for eight years as Transportation Supervisor for the Etowah County Board of Education; and

WHEREAS, Mayor Carnes has also long evidenced his civic concern as a member of the Attalla Chamber of Commerce and through his deep involvement in the affairs of the Stowers Hill Baptist Church of Attalla; and

WHEREAS, a Mason and a member of the American Legion, Mayor Carnes is one of his community's most prominent citizens and it is deemed appropriate by the Alabama Legislature that he be honored for his contributions to the City of Attalla and the well-being of all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the city recreation building located at 612 Case Avenue, Attalla, Etowah County, Alabama, is hereby named and designated as the "Willie Carnes Recreation Building."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said building as the "Willie Carnes Recreation Building."

RESOLVED FURTHER, That Mayor Carnes receive a copy of this resolution as a memento of this honorary designation and in token of our high regard.

The resolution, H. J. R. 116, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 171. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Biddle, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Escott, Gafford, Gilmer, Greer, Grimley, Grouby, Hall, Hammett, Harper (O), Holley, Horn, Johnson (Roy), Kelley, Langford, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Turnham, Williams, Wyatt and Zoghby.

—59

And the bill:

H. 288. To further regulate the sale of alcoholic beverages under the supervision of the Alabama Alcoholic Beverage Control Board in each municipality, in each county, and in all state parks; to authorize referendum elections in each municipality to determine if the sale of alcoholic beverages within the corporate limits will be allowed or if the sale of alcoholic beverages within the corporate limits will be prohibited, upon the petition of 25% of the number of registered voters casting a ballot in the last municipal election in said municipality; to provide that a period of not less than 720 days must elapse between the dates of such referendum elections; to authorize the governing authority of each municipality to establish the hours of sale for alcoholic beverages in the corporate limits and the governing authority of the county to establish the hours of sale for alcoholic beverages outside the corporate limits but within the county each and every day of the week; to provide that the governing authority of each municipality must approve each retail alcoholic beverage license application location within the corporate

limits and the governing authority of the county must approve each retail alcoholic beverage license application outside the corporate limits but within the county before the Alabama Alcoholic Beverage Control Board has the authority to issue a retail alcoholic beverage license; to provide that the Alabama Alcoholic Beverage Control Board may issue, with the approval of the Commissioner of the Department of Conservation and Natural Resources, a special retail license to any state park in Alabama or the franchisees or concessionaires of state parks; and to further provide that the Commissioner of the Department of Conservation and Natural Resources may establish the hours of sale of alcoholic beverages in state parks.

Was taken up.

SUBSTITUTE OFFERED

Rep. Cabaniss offered the following substitute to the bill, H. 288:

A BILL
TO BE ENACTED
AN ACT

To further regulate the sale of alcoholic beverages under the supervision of the Alabama Alcoholic Beverage Control Board in certain municipalities, in each county, and in state parks; to authorize referendum elections in each municipality with a population over 2,500 to determine if the sale of alcoholic beverages within the corporate limits will be allowed or if the sale of alcoholic beverages within the corporate limits will be prohibited, upon the petition of 25% of the number of registered voters casting a ballot in the last municipal election in said municipality; to provide that a period of not less than 720 days must elapse between the dates of such referendum elections; to provide that the governing authority of each municipality with a population over 2,500 must approve each retail alcoholic beverage license application location within the corporate limits and the governing authority of the county must approve each retail alcoholic beverage license application outside the corporate limits but within the county before the Alabama Alcoholic Beverage Control Board has the authority to issue a retail alcoholic beverage license; to provide that the Alabama Alcoholic Beverage Control Board may issue, with the approval of the Commissioner of the Department of Conservation and Natural Resources, a Special Retail License to any state park with permanent lodging and restaurant facilities in Alabama or the franchisees or concessionaires of such state parks; and to further provide that the Commissioner of the Department of Conservation and Natural Resources may establish the hours of sale of alcoholic beverages in state parks.

Be It Enacted by the Legislature of Alabama:

Section 1. Referendum elections to determine whether a municipality will authorize the sale of alcoholic beverages or prohibit the sale of alcoholic beverages.—Any municipality with a population over 2,500 may authorize the sale of alcoholic beverages within the corporate limits or prohibit the sale of alcoholic beverages within the corporate limits by a referendum election, in the following manner:

Upon petition of twenty five percent of the number of registered voters casting a ballot in the last municipal election being filed with the city or town clerk or governing authority of said municipality, said governing authority must call a referendum election for said municipality to determine the sentiment of the people as to whether or not the sale and distribution of

alcoholic beverages will be authorized or prohibited within a municipality's corporate limits. Said petition for a referendum election to authorize the sale and distribution of alcoholic beverages within a municipality's corporate limits shall contain the following: "It is petitioned that a referendum election be held to authorize the legally controlled sale and distribution of alcoholic beverages within the corporate limits of this municipality." Said petition for a referendum election to prohibit the sale and distribution of alcoholic beverages within the corporate limits shall contain the following: "It is petitioned that a referendum election be held to prohibit the legally controlled sale and distribution of alcoholic beverages within the corporate limits of this municipality." On the ballot to be used for such referendum election, the question shall be in the following form: "Do you favor the legally controlled sale and distribution of alcoholic beverages within the corporate limits of this municipality? Yes _____ No _____."

A referendum election shall be held and the officers appointed to hold same in the manner provided by law for holding other municipal elections and the returns thereof tabulated and the results certified as provided by law for such municipal elections. Said referendum election shall be held at the time of the primary, general, county-wide or municipal election next succeeding the date of the filing of said petition, provided, however, said election shall not be held within less than thirty days from the date of the filing of said petition. Notice of said referendum election shall be given by the governing authority of the municipality by publication at least three weeks before the date of the election, in a newspaper of general circulation within the municipality, or, if there be none, in a newspaper of general circulation within the county, or, if there be neither, by posting such notice at the town or city hall, apprising the voters of the municipality that a referendum election shall be held to determine whether such municipality shall authorize the sale and distribution of alcoholic beverages within its corporate limits or prohibit the sale and distribution of alcoholic beverages within its corporate limits. The cost of said referendum election, including the cost of notice by publication, shall be paid out of the general fund of the municipality.

Only those voters qualified to vote in the general municipal election shall vote in said referendum election. If a majority of the voters in a referendum election vote "yes" the sale and distribution of alcoholic beverages shall be authorized within the corporate limits of the municipality regardless of whether or not the sale of alcoholic beverages is allowed in the county in which the municipality is located and the status of the municipality may only be changed by a subsequent referendum election regardless of how the status of the county in which the municipality is located may change. The authorization of the sale of alcoholic beverages by the voters of a municipality has no effect on the distribution of funds pursuant to Title 40, Chapter 28, Code of Alabama 1975, as amended and/or Title 28, Chapter 3, Code of Alabama 1975, as amended to the county in which the municipality is located.

If a majority of the voters in a referendum election vote "no" the sale and distribution of alcoholic beverages shall be prohibited within the corporate limits of the municipality regardless of whether or not the sale and distribution of alcoholic beverages is allowed in the county in which the municipality is located and the status of the municipality may only be changed by a subsequent referendum election regardless of how the status of the county in which the municipality is located may change.

A referendum election to determine if the sale and distribution of alcoholic beverages in a municipality's corporate limits will be authorized or if the sale and distribution of alcoholic beverages in a municipality's corporate

limits will be prohibited may not be held within less than 720 days of the previous referendum election. However, a county-wide election does not affect a referendum election in any way.

SECTION 2. To provide for the local governing authority to approve each retail alcoholic beverage license application.—Each retail alcoholic beverage license application must be approved by the governing authority of the municipality if the business is located in the corporate limits of municipalities with a population over 2,500 or if outside the corporate limits the governing authority of the county in which the retail alcoholic beverage licensee is located before the Alabama Alcoholic Beverage Control Board shall have the authority to grant the retail alcoholic beverage license.

SECTION 3. Special Retail License for a state park or its franchisee or concessionaire.—Upon the applicant's compliance with the licensing provisions of Title 28, Code of Alabama 1975, as amended, and the regulations of the Alabama Alcoholic Beverage Control Board the board may issue, with the approval of the Commissioner of the Department of Conservation and Natural Resources a Special Retail License, to each state park with permanent lodging and restaurant facilities or its franchisee or concessionaire, no matter which county the state park is located. The Commissioner of the Department of Conservation and Natural Resources may establish the hours of sale of alcoholic beverages in state parks with permanent lodging and restaurant facilities each and every day of the week. Provided, however if the Commissioner of the Department of Conservation and Natural Resources does not establish any hours of sale of alcoholic beverages the hours of sale of alcoholic beverages shall remain the same as established by Title 28, Chapter 3, Code of Alabama 1975, as amended. For the purpose of this Act, the term "state park" shall mean: any park owned or leased by the State Department of Conservation and Natural Resources and designated as a state park under the supervision of the Commissioner of Conservation and Natural Resources acting through the division of parks.

SECTION 4. Repealer.—All laws or parts of laws, special, local or general, which conflict or are inconsistent with this Act are hereby repealed, insofar as such laws or parts of laws conflict or are inconsistent with this Act.

SECTION 5. Laws Amended.—Title 28, Chapter 4, Code of Alabama 1975, and all acts amendatory therefor, supplementary thereto or substituted therefor, are hereby amended to make the same consistent with the provisions of this Act.

SECTION 6. Severability.—The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 7. Effective Date.—This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO POSTPONE

Rep. Holley offered the motion to postpone further consideration of the bill, H. 288 with pending substitute, until the twenty-ninth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Cabaniss to table the motion to postpone offered by Rep. Holley, was lost.

Yeas 35; Nays 43.

Yeas:

Mr. Speaker, Amari, Bedsole, Bennett, Buskey, Carothers, Clark (G), Clark (W), Coburn, Dixon, Escott, Hines, Horn, Jackson, Kelley, Langford, Lewis, McMillan, Manley, Minus, Owens, Patton, Payne, Penry, Roberts, Sandusky, Sasser, Seibels, Shavers, Starkey, Stewart, Stout, Turner, Waggoner and Zoghby.

—35

Nays:

Reps. Albright, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Gregg, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Johnson (R. G.), Laird, Letson, McKee, Mitchell, Moore, Olive, Parker, Pegues, Rains, Ray, Riddick, Shoemaker, Smith (C), Smith (M), Ward, Warren, Williams and Wyatt.

—43

SUBSTITUTE MOTION TO POSTPONE TABLED

On motion of Rep. Cabaniss, the substitute motion offered by Rep. Jackson to postpone further consideration of the bill, H. 288 with pending substitute, to the ninth legislative day, was tabled.

Yeas 42; Nays 40.

Yeas:

Reps.: Adams (C), Albright, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Greer, Gregg, Grouby, Hall, Harper (O), Harvey, Holley, Johnson (R. G.), Kelley, Laird, Letson, McKee, Mitchell, Moore, Olive, Parker, Pegues, Rains, Ray, Riddick, Smith (C), Smith (M), Ward, Warren and Williams.

—42

Nays:

Mr. Speaker, Amari, Bedsole, Bennett, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Coburn, Dixon, Escott, Goodwin, Hammett, Hines, Horn, Jackson, Langford, Lewis, McMillan, Manley, Minus, Owens, Patton, Payne, Penry, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Turner, Waggoner and Zoghby.

—40

SUBSTITUTE MOTION TO POSTPONE

Rep. Dixon offered the substitute motion to postpone further consideration of the bill, H. 288 with pending substitute, to the tenth legislative day.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION ADOPTED

On substitute motion offered by Rep. Albright to the substitute motion offered by Rep. Dixon to postpone the bill, H. 288 with pending substitute, to the tenth legislative day, the bill with pending substitute, was indefinitely postponed.

Yeas 48; Nays 40.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Ford, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Howard, Johnson (R. G.), Laird, Letson, McKee, Mitchell, Moore, Olive, Parker, Pegues, Rains, Ray, Riddick, Shoemaker, Smith (C), Smith (M), Turnham, Ward, Warren, Williams and Wyatt.

—48

Nays:

Mr. Speaker, Amari, Bedsole, Bennett, Biddle, Buskey, Campbell, Carothers, Clark (G), Clark (W), Coburn, Dixon, Escott, Gafford, Goodwin, Hines, Holmes, Horn, Jackson, Kelley, Langford, Lewis, McMillan, Manley, Minus, Owens, Patton, Payne, Penry, Roberts, Sandusky, Sasser, Seibels, Shavers, Starkey, Stewart, Stout, Turner, Waggoner and Zoghby.

—40

MOTION TO ADJOURN LOST

The motion offered by Rep. Cabaniss that the House adjourn until Wednesday, March 4, 1981, was lost.

Yeas 35; Nays 52.

Yeas:

Reps.: Amari, Bedsole, Bennett, Biddle, Buskey, Campbell, Carothers, Clark (G), Clark (W), Coburn, Dixon, Escott, Gafford, Gilmer, Goodwin, Greer, Hines, Horn, Jackson, Lewis, Manley, Minus, Owens, Patton, Penry, Rains, Sandusky, Sasser, Seibels, Shavers, Starkey, Stewart, Waggoner, Williams and Zoghby.

—35

Nays:

Reps.: Adams (C), Adams (H), Albright, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gregg, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, McKee, Mitchell, Moore, Parker, Payne, Pegues, Ray, Riddick, Roberts, Smith (C), Smith (J), Smith (M), Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—52

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Holley offered the motion to reconsider the vote by which the bill, H. 288 with pending substitute, was indefinitely postponed and to lay that motion on the table, and the motion to reconsider was adopted.

Yeas 53; Nays 37.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Blake, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Kelley, Laird, Letson, McKee, Mitchell, Moore, Olive, Parker, Pegues, Rains, Ray, Riddick, Roberts, Smith (C), Smith (M), Trammell, Turner, Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

—53

Nays:

Mr. Speaker, Amari, Bedsole, Bennett, Biddle, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Clark (W), Dixon, Escott, Gafford, Hines, Holmes, Horn, Howard, Jackson, Langford, Lewis, McMillan, Manley, Minus, Owens, Patton, Payne, Penry, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Starkey, Stewart, Waggoner and Zoghby.

—37

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 268. Relating to Covington County; providing for an additional expense allowance for the members of the board of registrars of said county and providing for its retroactive effect.

Also:

H. 269. Relating to Covington County; to legalize the sale of draft or keg beer or malt beverages.

Also:

H. J. R. 108. NAMING HIGHWAY 157 FROM CULLMAN, ALABAMA, TO THE TENNESSEE STATE LINE, THE "UNIVERSITY OF NORTH ALABAMA HIGHWAY."

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 110. To amend Section 36-25-1 of the Code of Alabama 1975 relating to the state ethics law so as to further provide for the definition of public employee.

Was taken up.

AMENDMENT OFFERED

Rep. Dixon offered the following amendment to the bill, H. 110:

Amend H. B. 110 on page 2, Section 1, line 26, after the word "administrative" by striking the word and and inserting in lieu thereof the following:

authority for the receipt or expenditures of public funds or

Further amend H. B. 110 on page 2, Section 1, line 27, after the figure \$15,000.00 by striking the figure \$25,000.00 and inserting in lieu thereof the following:

\$20,000.00

MOTION TO TABLE LOST

The motion offered by Rep. Langford to table the amendment offered by Rep. Dixon to the Bill, H. 110, was lost.

Yeas 20; Nays 46.

Yeas:

Reps.: Albright, Buskey, Clark (G), Clark (W), Coburn, Cooley, Cosby, Escott, Harrison, Hines, Holmes, Horn, Kennedy, Langford, Letson, Manley, Minus, Pegues, Penry and Zoghby.

—20

Nays:

Reps.: Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Cobb, Crow, Edwards, Gafford, Gilmer, Greer, Gregg, Grouby, Hall, Hammett, Harvey, Holley, Lewis, McKee, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Warren, Willis and Wyatt.

—46

AMENDMENT ADOPTED

The question was then on the amendment offered by Rep. Dixon to the bill, H. 110, and the amendment was adopted.

Yeas 52; Nays 13.

Yeas:

Reps.: Albright, Amari, Barton, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Cobb, Cooley, Cosby, Crow, Edwards, Gilmer, Greer, Gregg, Grimsley, Hammett, Harrison, Harvey, Holley, Howard,

Lewis, McKee, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Smith (M), Stewart, Trammell, Turner, Venable, Ward, Warren, Williams, Willis and Wyatt.

—52

Nays:

Reps.: Clark (G), Clark (W), Coburn, Grouby, Hall, Holmes, Kelley, Kennedy, Langford, Letson, Manley, Minus and Turnham.

—13

And the bill, H. 110 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 5.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Gregg, Grimsley, Hammett, Harvey, Holley, Holmes, Horn, Howard, Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Riddick, Sandusky, Sasser, Seibels, Smith (M), Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—74

Nays: Reps.: Greer, Grouby, Hines, Pegues and Smith (C).

—5

CO-SPONSOR ADDED

Rep. Rains was added as co-sponsor to the bill H. 110.

MOTION TO ADJOURN LOST

The motion offered by Rep. Stewart that the House adjourn until Wednesday, March 4, 1981, was lost.

Yeas 20; Nays 46.

Yeas:

Reps.: Barton, Brakefield, Buskey, Campbell, Clark (W), Coburn, Cooley, Drinkard, Escott, Ford, Harvey, Holmes, Kennedy, Manley, Minus, Patton, Rains, Smith (C), Stewart and Williams.

—20

Nays:

Mr. Speaker, Adams (H), Amari, Biddle, Blake, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cosby, Crow, Gafford, Gilmer, Greer, Grouby, Hammett, Johnson (R. G.), Kelley, Laird, Letson, Lewis, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Roberts, Sandusky, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Turner, Turnham, Venable, Waggoner, Warren, Willis, Wyatt and Zoghby.

—46

BILLS ON THIRD READING RESUMED

And the bill:

H. 223. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; defining and prohibiting unlawful trade practices; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General and District Attorneys to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

Was taken up.

AMENDMENT OFFERED

Rep. Clark (G) offered the following amendment No. 1 to the bill, H. 223:

H. B. 223 is hereby amended by changing Section 8(a) on Page 8 beginning on line 13, by deleting subsection 8(a) in its entirety and substituting in lieu thereof the following subsection (a):

Section 8. Restraining Orders.

(a) Whenever the Office of the Attorney General or the Office of the District Attorney has reason to believe that any person is engaging in, has engaged in, or is about to engage in any act or practice declared to be unlawful by this Act, the Attorney General or the District Attorney may bring an action in the name of the State against such person to restrain by temporary restraining order, temporary or permanent injunction such acts or practices. However, unless the Attorney General or District Attorney determines that a person subject to the provisions of this Act designs quickly to depart from this State or to remove his property therefrom, or to conceal himself or his property therein, or to continue practices unlawful under this Act, he shall, before initiating any legal proceedings is contemplated, allow such person a reasonable opportunity to appear before the Attorney General or District Attorney and solve the dispute to the parties' satisfaction.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harvey, Hines, Holley, Holmes, Johnson (R. G.), Kelley, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Willis, Wyatt and Zoghby.

—69

CO-SPONSORS ADDED

Reps. Rains, Stewart, Holmes, Zoghby and Crow were added as co-sponsors to the bill, H. 223.

AMENDMENT OFFERED

Rep. Clark (G) offered the following amendment No. 2 to the bill, H. 223 as amended:

H. B. 223 is hereby amended by changing Section 7(a) on Page 7 beginning at line 8, by deleting Subsection 7(a) in its entirety and substituting in lieu thereof the following Subsection (a):

Section 7. Exemptions. Nothing in this Act shall apply to:

"(a) Acts done by the publisher, owner, agent, or employee of a newspaper, periodical, radio, or television station or telephone company in the publication or dissemination of an advertisement, which the owner, agent or employee did not have knowledge of the false, misleading, or deceptive character of the advertisement:"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Carothers, Cheatwood, Clark (W), Cobb, Cooley, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harvey, Hines, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—70

AMENDMENT OFFERED

Rep. Clark (G), offered the following amendment No. 3 to the bill, H. 223 as amended:

H. B. 223 is hereby amended by changing Section 11(f) on Page 12 beginning on line 28, by deleting subsection (f) in its entirety and substituting in lieu thereof the following subsection (f):

(f) All penalties collected under this Section shall be remitted by the circuit court to the State Treasurer and shall be credited to the account of either the Office of the Attorney General or the Office of the District Attorney, whichever initiated the action or petition resulting in imposition of such penalties.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (W), Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harvey, Hines, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Willis, Wyatt and Zoghby.

—73

AMENDMENT OFFERED

Rep. Clark (G) offered the following amendment No. 4 to the bill, H. 223 as amended:

H. B. 223 is hereby amended by changing Section (r) Page 5 beginning on line 29, by deleting Subsection (r) in its entirety and substituting in lieu thereof the following Subsection (r):

(r) Using or employing a chain referral sales plan in connection with the sale or offering for sale of goods, merchandise, or anything of value, involving a sales technique, plan, arrangement, or agreement in which the buyer or prospective buyer is offered the opportunity to purchase merchandise or goods and in connection with the purchase receives the seller's promise or representation that the buyer shall have the right to receive compensation or consideration in any form by furnishing to the seller the names of other prospective buyers, if the receipt of the compensation or consideration is contingent upon the occurrence of an event subsequent to the time the buyer purchased the goods, merchandise or anything of value;

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 1.

Yeas:

Reps.: Adams (C), Adams (H), Barton, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harvey, Hines, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—72

Nay: Rep. Payne.

—1

AMENDMENT OFFERED

Rep. Clark (G) offered the following amendment No. 5 to the bill, H. 223 as amended:

H. B. 223 is hereby amended by changing Section 4(a) on Page 2 beginning at line 26 by deleting Subsection 4(a) in its entirety and substituting in lieu thereof the following Subsection (a):

Section 4. General Functions, Powers and Duties of the Attorney General and the District Attorneys.

(a) The Office of the Attorney General and the District Attorneys shall have the following functions, powers and duties:

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Reps.: Adams (C), Barton, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harvey, Hines, Howard, Johnson (R. G.), Kelley, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Ward, Warren, Willis and Wyatt.

—66

AMENDMENT OFFERED

Rep. Campbell offered the following amendment to the bill, H. 223 as amended:

On page 6, line 10 after the word "based" insert the word; primarily

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Cates, Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harvey, Hines, Holley, Johnson (R. G.), Kelley, Kennedy, Letson, McKee, McMillan, Minus, Moore, Nevett, Olive, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Smith (C), Stewart, Trammell, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—62

AMENDMENT OFFERED

Rep. Lewis offered the following amendment No. 1 to the bill, H. 223 as amended:

Amend H. B. 223 to read as follows:

On page 5, line 13, after the language "turning back," insert replacing

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hines, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—74

AMENDMENT OFFERED

Rep. Lewis offered the following amendment No. 2 to the bill, H. 223 as amended:

Amend H. B. 223 to read as follows:

On page 5, line 15, delete the semicolon and insert with the intent of deception;

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hines, Holley, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—75

AMENDMENT OFFERED

Rep. Greer offered the following amendment to the bill, H. 223 as amended:

Amend H. 223 on page 10, line 17 by deleting the following:

reasonable attorney fees and costs
and substituting in lieu thereof the following:
an amount equal to that asked for in the original suit.

AMENDMENT TABLED

On motion of Rep. Clark (G), the amendment offered by Rep. Greer to the bill, H. 223 as amended, was tabled.

Yeas 55; Nays 12.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Holmes, Jackson, Kelley, Langford, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Riddick, Sandusky, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Turner, Venable, Wyatt and Zoghby.

—55

Nays:

Reps.: Greer, Gregg, Holley, Laird, Letson, Lewis, Rains, Smith (C), Turnham, Ward, Warren and Willis.

—12

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 172. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Glen Allen, in Fayette County.

Also:

H. 173. Relating to Lamar County; to provide further for the compensation of certain election officers.

McDOWELL LEE,
Secretary.

H. 223 RESUMED

AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, H. 223 as amended:

Amend House Bill No. 223 as follows:

Delete Section 17 and substitute the following:

17. This bill after its passage will not become effective until March 1, 1982.

AMENDMENT TABLED

On motion of Rep. Clark (G), the amendment offered by Rep. Manley to the bill, H. 223 as amended, was tabled.

Yeas 46; Nays 40.

Yeas:

Reps.: Albright, Amari, Bennett, Blake, Bowling, Brakefield, Buskey, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Drinkard, Edwards, Escott, Ford, Gilmer, Gregg, Harrison, Holmes, Horn, Howard, Jackson, Kelley, Kennedy, Langford, Letson, Minus, Mitchell, Naramore, Nevett, Olive, Parker, Rains, Riddick, Sasser, Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable and Wyatt.

—46

Nays:

Mr. Speaker, Biddle, Cabaniss, Campbell, Carothers, Carter, Cobb, Cooley, Dial, Gafford, Greer, Grimsley, Grouby, Hall, Hammett, Harvey, Hines, Holley, Johnson (R. G.), Laird, Lewis, McKee, McMillan, Manley, Moore, Owens, Payne, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Seibels, Smith (C), Turnham, Waggoner, Warren, Williams and Willis.

—40

CO-SPONSOR ADDED

Rep. Bennett was added as co-sponsor to the Bill H. 223.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 172. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Glen Allen, in Fayette County.

Also:

H. 173. Relating to Lamar County; to provide further for the compensation of certain election officers.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 223 RESUMED
AMENDMENT OFFERED

Rep. Holley offered the following amendment to the bill, H. 223 as amended:

Amend Section 5, Subsection (v) by adding on line 32 after the word "commerce," the following phrase:

Including but not limited to excessive charges by hospitals for profit.

MOTION TO TABLE LOST

The motion offered by Rep. Clark (G) to table the amendment offered by Rep. Holley to the bill, H. 223 as amended, was lost.

Yeas 22; Nays 55.

Yeas:

Mr. Speaker, Blake, Campbell, Carter, Clark (G), Clark (W), Coburn, Drinkard, Ford, Gilmer, Goodwin, Hines, Howard, Kennedy, McMillan, Naramore, Penry, Sandusky, Shavers, Stewart, Turner and Zoghby.

—22

Nays:

Reps.: Adams (C), Albright, Amari, Bennett, Boles, Bowling, Brakefield, Carothers, Cates, Cheatwood, Cobb, Cooley, Crow, Edwards, Escott, Greer, Gregg, Grimsley, Hall, Hammett, Harvey, Holley, Holmes, Jackson, Johnson (R. G.), Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Rains, Ray, Reed, Sasser, Seibels, Smith (C), Smith (M), Trammell, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—55

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 31. Relating to Baldwin County; providing for an increase in compensation for members of the board of registrars.

Also:

S. 32. Relating to Baldwin County; providing for an additional allowance for election officials who work at polling places.

Also:

S. 27. To provide for a durable power of attorney that may survive disability, incompetency, or incapacity or until actual knowledge of death of the principal.

Also:

S. 1. To amend Section 12-16-150 of the Code of Alabama 1975 relating to grounds for challenge of jurors for cause, so as to eliminate as good ground for challenge of a juror that the person is over 65 years of age.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

H. 223 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Holley to the bill, H. 223 as amended, and the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—90

AMENDMENT OFFERED

Rep. Waggoner offered the following amendment to the bill, H. 223 as amended:

H. 223 is hereby amended by changing Section 5(q) on Page 5, to read as follows:

5(q). After receipt of payment for goods or services, failing to deliver ship such goods or furnish such services within the time advertised or otherwise represented or, if no specific time is advertised or represented, failing to ship deliver such goods or furnish such services within thirty (30) days, unless within such applicable time period the seller provides the buyer with the option to either cancel the sales agreement and receive a refund of all previous payments to the seller or to extend the deliver said date to a specific date proposed by the seller. Any refund shall be mailed or delivered to the buyer within ten (10) business days after the seller receives written notification from the buyer of the buyer's option to cancel the sales agreement and receive such refund.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 1.

Yeas:

Mr. Speaker, Amari, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Drinkard, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Hall, Hammett, Horn, Jackson, Johnson (R. G.), Kennedy, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Payne, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Turner, Turnham, Venable, Waggoner, Warren, Willis and Wyatt.

—62

Nay: Rep. Carothers.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 40. CONGRATULATING AND COMMENDING GORDO HIGH SCHOOL, CLASS 2A STATE FOOTBALL CHAMPIONS.

McDOWELL LEE,
Secretary.

H. 223 RESUMED

AMENDMENT OFFERED

Rep. Smith (C) offered the following amendment to the bill, H. 223 as amended:

Amend House Bill 223, Page 14, by deleting Section 17 in its entirety and inserting a new Section 17 to read as follows:

Section 17. This bill, after passage, will not become effective until October 1, 1981.

MOTION TO TABLE LOST

The motion offered by Rep. Clark (G) to table the amendment offered by Rep. Smith (C) to the bill, H. 223 as amended, was lost.

Yeas 29; Nays 46.

Yeas:

Reps.: Albright, Blake, Buskey, Cheatwood, Clark (G), Clark (W), Coburn, Crow, Drinkard, Edwards, Ford, Goodwin, Hall, Harrison, Holley, Holmes, Horn, Kennedy, Langford, McMillan, Owens, Parker, Rains, Riddick, Sandusky, Stout, Turner, Wyatt and Zoghby.

—29

Nays:

Mr. Speaker, Biddle, Bowling, Brakefield, Cabaniss, Carter, Cooley, Cosby, Escott, Gafford, Gilmer, Greer, Gregg, Grimsley, Hammett, Harvey, Johnson (R. G.), Kelley, Laird, Letson, McKee, Manley, Minus, Moore, Naramore, Olive, Payne, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Williams and Willis.

—46

AMENDMENT LOST

The question was then on the amendment offered by Rep. Smith (C) to the bill, H. 223 as amended, and the amendment was lost.

Yeas 34; Nays 47.

Yeas:

Mr. Speaker, Biddle, Bowling, Cabaniss, Carothers, Cooley, Cosby, Gafford, Gregg, Grimsley, Hammett, Harvey, Johnson (R. G.), Kelley, Laird, Lewis, McKee, Manley, Minus, Moore, Owens, Payne, Ray, Roberts, Seibels, Smith (C), Stout, Turnham, Venable, Warren, Whatley, Williams, Willis and Zoghby.

—34

Nays:

Reps: Albright, Bedsole, Blake, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Crow, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Grouby, Hall, Harrison, Holley, Holmes, Horn, Howard, Kennedy, Langford, Letson, Mitchell, Naramore, Nevett, Olive, Parker, Patton, Penry, Rains, Riddick, Sandusky, Sasser, Smith (J), Smith (M), Stewart, Trammell, Turner, Ward and Wyatt.

—47

AMENDMENT OFFERED

Rep. Gafford offered the following amendment to the bill, H. 223 as amended:

Amend House Bill 223, Section 5, page 6, by adding a new sub-section (w) as follows:

(w) Any false, misleading or erroneous news reports, stories, articles, advertisements or other acts of impropriety by any electronic or print news agency, corporation, partnership or individual;

AMENDMENT TABLED

On motion of Rep. Clark (G), the amendment offered by Rep. Gafford to the bill, H. 223 as amended, was tabled.

Yeas 58; Nays 14.

Yeas:

Reps.: Albright, Amari, Bennett, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Escott, Ford, Goodwin, Greer, Grimsley, Hall, Hammett, Holley, Holmes, Horn, Howard, Laird, Langford,

Mitchell, Naramore, Nevett, Olive, Owens, Parker, Patton, Penry, Rains, Riddick, Roberts, Sasser, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Turnham, Venable, Waggoner, Whatley, Williams, Willis, Wyatt and Zoghby.

—58

Nays:

Reps.: Cooley, Gafford, Gilmer, Harrison, Hines, McKee, McMillan, Manley, Minus, Payne, Seibels, Stewart, Trammell and Warren.

—14

AMENDMENT OFFERED

Rep. Lewis offered the following amendment No. 3 to the bill, H. 223 as amended:

Amend H. B. 223 to read as follows:

On page 11, line 25, after the language "person or persons, plus," insert reasonable

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Reps.: Albright, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Edwards, Escott, Gafford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Laird, Langford, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Rains, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—67

And the bill, H. 223 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 2.

Yeas:

Mr. Speaker, Albright, Amari, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray,

Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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Nays: Reps. Manley and Minus.

—2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Proctor and Cook:

S. J. R. 56. HONORING MRS. MARCIA M. SEARS UPON HER ELECTION AS PRESIDENT OF THE ALABAMA PRESS ASSOCIATION.

Also:

By Mr. Teague:

S. J. R. 57. HONORING COACH JOHN W. COX OF CHILDERSBURG, ALABAMA.

Also:

By Mr. Miller:

S. J. R. 59. COMMENDING WESLEY LANCE LAIRD FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Moore, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 56, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Shoemaker, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 57, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Hammett, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 59, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs: White, Smith, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Taylor, Teague, Vacca and Weeks:

S. J. R. 58. COMMENDING MR. HOKE KERNS FOR EXTRAORDINARY SERVICE AS COMMISSIONER OF MEDICAL SERVICES ADMINISTRATION.

WHEREAS, in its desire to recognize individuals of extraordinary capabilities, the Legislature of Alabama notes with deep appreciation the outstanding service rendered the State of Alabama by Mr. Hoke Kerns as Commissioner of Medical Services Administration; and

WHEREAS, appointed to his position by Governor Fob James, Mr. Kerns took over the directorship of a department that had operated at a deficit for more than eight years; and

WHEREAS, during his tenure from July 1979 through September 1980, Commissioner Kerns, in keeping with his reputation for administrative excellence, rapidly reversed a situation of delinquency in accounts payable into one which now operates on a sound basis, paying all bills currently and as due; and

WHEREAS, eminently qualified in his field, Mr. Kerns was serving as Executive Vice President of Baptist Medical Center-Princeton, in Birmingham, when he accepted Governor James' appointment to oversee the Medicaid program in Alabama; his resignation was tendered to accept the position of President of the Alabama Hospital Association in which service we wish him every continued success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Hoke Kerns for outstanding service to the State of Alabama as Commissioner of Medical Services Administration.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Kerns as evidence of our warm praise, appreciation and high regard.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 58, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Miller, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 60. EXTENDING THE CONGRATULATIONS AND BEST WISHES OF THE LEGISLATURE TO ALICE JO BURTON.

WHEREAS, One of the most valuable assets in the office of the Lieutenant Governor for the past two years has been the charming presence of Alice Jo Burton at the front desk; and

WHEREAS, Jo is leaving on Saturday, February 28, 1981, to move to the State of Washington to be married to her old high school sweetheart, Bobby Hendrix; and

WHEREAS, It has been the privilege of all of us in the Legislature to know Alice Jo and work with her; her efficiency, gracious manner, and charming personality will long be remembered; and

WHEREAS, She leaves us with the best wishes of all of us for her new life as Mrs. Alice Jo Hendrix in the Northwest; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we wish Alice Jo Burton godspeed on her journey, and all happiness in her upcoming marriage to Mr. Hendrix.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Alice Jo Burton.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 60, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Robertson:

S. J. R. 61. MOURNING THE DEATH OF DR. RALPH DEMPSEY BROWN, PROMINENT TUSCALOOSA CHIROPRACTOR AND FORMER STATE REPRESENTATIVE.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 61, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Little, Higginbotham, Kirkland, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Hilliard, Holmes, Keener, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 62. WELCOMING COACH PATRICK DYE TO ALABAMA AS HEAD FOOTBALL COACH AT AUBURN UNIVERSITY.

WHEREAS, Auburn University is nationally recognized for the quality and tradition of its athletic and academic programs; and

WHEREAS, Patrick Fain Dye was appointed head football coach at Auburn University on January 2, 1981, after compiling a record as head coach at two outstanding universities of fifty-four wins and twenty-two losses; and

WHEREAS, Coach Dye was a two-time All-American guard at the University of Georgia and co-captain of the 1960 team, and an academic All-American in 1959 and 1960; and

WHEREAS, Coach Dye has distinguished himself on and off the athletic field because of his belief in discipline, hard work, the desire to excel, and his concern for young athletes as people, and his superior knowledge of football; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we welcome Coach Dye, his wife, Sue, and their four children to Auburn University and the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Dye and his family, and the Board of Trustees of Auburn University so that they may be aware of this body's sincere welcome and high regard.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Turnham, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 62, set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Reps.: Albright, Smith (M), Smith (J), Riddick, Gregg and Hall:

H. J. R. 117. COMMENDING MR. JAMES RECORD FOR EXTRAORDINARY SERVICE TO MADISON COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama has noted, with utmost praise, the dedicated service of Mr. James Record to Madison County, Alabama, whose tenure of more than three decades was distinguished in its honesty, efficiency and loyalty; and

WHEREAS, Mr. Record's county service first began in 1947 as Deputy Tax Assessor, followed by service as Clerk-Auditor from 1948 until 1962, at which time he was elected to the Madison County Commission, holding the position of Chairman until his recent retirement on January 19, 1981, at the expiration of his fourth consecutive term; and

WHEREAS, during his illustrious administration, Madison County prospered in all areas to become recognized as one of our nation's most progressive counties in services for its citizens, winning more national awards for excellence of county programs than all other 66 Alabama counties combined and more than any other county in the United States of comparable size; and

WHEREAS, during Commissioner Record's 32 years of service as the chief financial advisor to Madison County, it is significant to note that no new taxes were levied while one tax was abolished and yet another was reduced, a record that is recognized as nationally unique; and

WHEREAS, a former state senator from Madison County, James Record is a past president of both the Alabama Association of County Commissions and the Alabama Association of County Administrators and was founder and a past president of Top of Alabama Council of Governments; he also served on NACO national committees on Education, Home Rule and Environment and received the Jaycee's Good Government Award and the Chamber of Commerce Distinguished Citizen of the Year Award, as well; and

WHEREAS, an author and historian, Mr. Record has authored five books on local government and history and is co-author of the 1978 Code of Madison County; he is past president of the Alabama Historical Association and of the Huntsville-Madison County Historical Society for two terms, and a past president and present board member of both the Alabama Historical Commission and the Huntsville Burritt Museum; and

WHEREAS, a zealous patriot, Mr. Record is a four-year U. S. Infantry and Air Force veteran and is Past Commander, Adjutant, Historian and Life Member of the Madison County American Legion Post 37 and 237; he holds further memberships and offices of leadership in Madison County Gentry-Isom Post 2702, VFW and B.P.O.E., and has received numerous awards for outstanding service to these organizations; and

WHEREAS, James Record, noted educator and a lecturer on county government, history and patriotism, also is the founder of the Madison County Record, one of Alabama's largest weekly newspapers, and is the publisher of seven books in addition to holding various business interests in numerous firms, local and national in scope; and

WHEREAS, his care and concern in community affairs extend further to include involvement in a vast number of charitable organizations, their fund drives and humanitarian works; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. James Record of Madison County and express our deep gratitude for his contributions to governmental, charitable and community affairs in Madison County and in Alabama.

BE IT FURTHER RESOLVED, That Mr. Record receive a copy of this resolution tendered in praise of his achievement, in gratitude for his service and in token of our high regard.

On motion of Rep. Albright, the rules were suspended and the House concurred in and adopted the resolution, H. J. R. 117.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:45 A.M. on February 26, 1981.

H. J. R. 97

H. J. R. 100

H. J. R. 102

H. J. R. 103

H. J. R. 104

Delivered to Governor at 1:45 P.M. on February 26, 1981.

H. 268

H. 269

H. J. R. 108

Delivered to Governor at 2:25 P.M. on February 26, 1981.

H. 172

H. 173

JOHN W. PEMBERTON,
Clerk .

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 109, heretofore adopted, the House adjourned until 2:00 o'clock p.m., Wednesday, March 4, 1981.

NINTH DAY

House of Representatives
Montgomery, Alabama
Wednesday, March 4, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Byran Tabor, Faith Bible Church, Owens Cross Roads, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

JACK BIDDLE,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the eighth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eighth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 110. HONORING MR. WALTER ALBERT GREENE, PROMINENT SUMTER COUNTY BUSINESSMAN AND CIVIC LEADER.

Also:

H. J. R. 111. COMMENDING MARION MILITARY INSTITUTE ON ITS FORMAL REVIEW HONORING THE COURAGEOUS MEN AND WOMEN OF OUR ARMED FORCES WHO SERVED DURING THE VIETNAM CONFLICT.

Also:

H. J. R. 113. COMMENDING MISS RAMONA LORET DOYLE.

Also:

H. J. R. 117. COMMENDING MR. JAMES RECORD FOR EXTRAORDINARY SERVICE TO MADISON COUNTY, ALABAMA.

McDOWELL LEE,
Secretary.

LEAVES OF ABSENCE

At the request of Rep. Roberts, leave of absence was granted for Rep. Carter due to illness in the family.

At the request of Rep. McMillan, leave of absence was granted for Rep. Hines.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 118. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Wednesday, March 4, 1981, we adjourn to meet again on Thursday, March 5, 1981, at 10:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 118, was adopted.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Reps. Hines and Jackson.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 46. MOURNING THE DEATH OF WILLIAM N. McQUEEN.

On motion of Rep. Manley, the resolution, S. J. R. 46, was adopted.

Also:

S. J. R. 48. CONGRATULATING MISS KATHRINA DENISE GUNN, IMPERIAL DEBUTANTE QUEEN.

On motion of Rep. Manley, the resolution, S. J. R. 48, was adopted.

Also:

S. J. R. 49. HONORING DR. BEATRYCE T. NEWTON, ASSOCIATE PROFESSOR OF EDUCATION, UNIVERSITY OF ALABAMA IN BIRMINGHAM.

On motion of Rep. Manley, the resolution, S. J. R. 49, was adopted.

BILLS ON SECOND READING

Rep Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 380. To further regulate the sale of alcoholic beverages and to raise revenue by levying an exclusive statewide local privilege or excise tax on every person licensed under the provisions of Title 28, Article 3A, Code of Alabama 1975, who sells, stores or receives for the purpose of distribution, beer; to provide for the collection and distribution of the proceeds of said tax; to provide for penalties; to provide for eligible counties a phase-out system of net revenue loss from local beer tax; and to supersede and repeal all local taxes, county and municipal, levied on or measured by the sale of beer, except general sales taxes.

H. 330. Relating to the several counties; assessing an additional fee for any criminal or misdemeanor proceeding in the circuit, district or juvenile courts of such counties; providing for the collecting and disbursing of such funds; and prescribing that revenue collected pursuant to the provisions of this Act shall be paid into the county treasuries to be used exclusively for the expenses of operating the jails and providing for prisoner maintenance in such counties.

H. 563. To further regulate and control alcoholic beverage transactions in wet counties in Alabama under the control and supervision of the alcoholic beverage control board; to provide definitions for Chapter 3, Title 28, Code of Alabama 1975, and for the Alcoholic Beverage Licensing Code, being Act No. 80-529, Acts of Alabama 1980, now appearing as § 28-3A-2, Code of Alabama 1975, and to repeal all laws or parts of laws in conflict herewith.

H. 572. To amend section 41-4-82, Code of Alabama 1975, which relates to the transmission of the Governor's budget to the legislature, so as to provide that the legislature may, for good cause, by joint resolution, extend the time period for transmission of the budget.

H. 385. To exempt any department or agency of this State whose cost of printing and publication, including the cost equipment, machines, supplies and inventory is financed in full from federal grants under the authority of Title IX of the Social Security Act of 1935, as amended, for the purpose of administering the Employment Security Program in Alabama from the Provisions of Act 1286 of the 1973 Regular Session of the Legislature of Alabama.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 448. (With Amendment): To make further appropriations of state funds for the fiscal year ending September 30, 1981.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 304. To make a supplemental appropriation for the use of the State Department of Corrections for payment to the several counties for a portion of expenses incurred for the housing and confinement of state prisoners in county jails and to make such appropriation conditional upon the condition of the State General Fund and upon the approval of the Governor.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 184. (With Amendments): To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 225. To provide that the testimony of a witness testifying under oath before a legislative committee under certain circumstances shall be admissible as evidence in any civil or criminal proceedings in any court in this state; to provide for the compelling of attendance of witnesses, the issuing of subpoenas and subpoenas duces tecum and the administering of oaths by any such committee; to provide for the transcribing and preservation of testimony; and to provide that the provisions are cumulative; and to provide for sanctions.

H. 393. To amend Section 15-18-82, Code of Alabama 1975, so as to change the mode of execution to a lethal injection of certain chemical substances.

H. 381. To amend Section 41-4-156 of the Code of Alabama 1975 which provides for the printing of acts and resolutions in pamphlet form, so as to require the printing of local acts as well as the general acts in pamphlet form, and to provide further for the distribution of pamphlet acts.

H. 122. To amend Section 12-15-10, Code of Alabama 1975, relating to liabilities of counties concerning juvenile court costs, so as to extend said liabilities to municipalities.

H. 556. To provide for prohibition of the possession, concealment, manufacture, purchase, transport, sale, delivery, distribution or endeavor to sell, deliver or distribute any short-barreled shotgun or short-barreled rifle; to provide criminal penalties for violations of this act; to provide for the forfeiture and condemnation of short-barreled shotguns and short-barreled rifles.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 154. (With Substitute): To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

The above bill was read a second time at length as required by the Constitution.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 186. (With Amendment): To establish the "Protection from Abuse Act"; to provide for proceedings to bring about the cessation of abuse from a family violence disturbance; to provide for hearing, and including the following: injunctive relief directing defendant to refrain from abusing plaintiff, temporary orders of relief granting possession to the plaintiff of a residence or household to the exclusion of defendant, the awarding of temporary custody of and/or temporary visitation rights regarding minor children, temporary support for plaintiff and/or minor children, and emergency relief in an ex parte proceeding; and to provide that the defendants in such proceedings shall have the same rights, remedies and due process, where any wrongful action is instituted, as any defendant in other civil and criminal action.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 406. To provide that the use of a firearm or other offensive weapon while committing or attempting to commit a felony shall constitute a separate felony and prescribe penalties.

H. 509. To amend § 12-19-150, Code of Alabama 1975, to provide that in the interest of justice a judge may, in his discretion enter an order dismissing a case prior to trial, conditioned upon payment of the docket fee and other court costs; and to provide an effective date.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 267. (With Amendments): To amend Sections 36-26-6 and 36-26-27 of the Code of Alabama 1975 so as to further prescribe hearing procedures for the dismissal and disciplining of state employees when such actions are initiated by the appointing authority.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 116. To amend Section 12-15-58 of the Code of Alabama 1975, relating to children taken into custody, so as to require a detention hearing for children charged with a Class A Felony.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 339. To amend Sections 16-24-7 and 16-24-10, Code of Alabama, 1975 relating to hearings before the Alabama State Tenure Commission.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 78. Providing for the establishment of the Alabama State Climate Center at Auburn University; designating the center as the State agency to accept federal funds provided by the National Climate Program Act of 95th Congress (PL 95-367) and designating a framework for the center, with a council and a director.

Rep. Holley, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 389. To amend Section 37-1-81, Code of Alabama 1975, which relates to approval by the Public Service Commission of a utility's request for a change in rates or service regulation, so as to prohibit a charge based upon a fuel adjustment charge.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 438. To authorize the Dale County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

H. 567. Relating to Marion County; to provide for additional per diem payments to each member of the Board of Equalization.

H. 574. Relating to Blount County; providing an expense allowance for certain county officers and providing an effective date.

S. 6. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Baldwin County.

The above bill was read a second time at length as required by the Constitution.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Manley:

H. 608. To transfer any appropriations, powers and duties, as prescribed by Title 25, Chapter 8, of the Code of Alabama 1975, heretofore under the jurisdiction of the department of industrial relations to the department of labor under the direction of the commissioner of labor.

State Administration.

By Reps. Hall and Greer:

H. 609. To provide further for interest charges that persons, firms or corporations may make upon accounts for work done or goods or materials delivered and received.

State Administration.

By Rep. Smith (J):

H. 610. To amend Section 31-9-23 of the Code of Alabama 1975, as amended by 1981 Act of the legislature, relating to the regular and emergency appropriations for the support and maintenance of the emergency management agency, so as to increase such funding payable from the general fund of the state treasury; to provide that no provision of this Act shall become effective unless the 1981 Act of the legislature, relating to restructuring the civil defense agency to the emergency management agency, is effective; and to provide if said 1981 Act is not effective, the provisions of this Act shall be null and void.

Ways and Means.

By Reps. Patton and Roberts:

H. 611. To prohibit the sale of alcoholic beverages on Sunday throughout the state; to prescribe penalties for the violation of this act; to repeal all local and general laws contrary to the provisions of this act.

Judiciary.

By Rep. Dixon:

H. 612. To amend Section 9-11-237 of the Code of Alabama 1975 relating to game and fish and providing penalties for the sale of any part of a game animal so as to further provide that the section shall not apply to the sale by a licensed hunter of deer hides or antlers taken from a deer lawfully killed by that hunter.

Natural Resources.

By Rep. McCorquodale (With Notice and Proof):

H. 613. Relating to Clarke County; providing for an additional expense allowance for members of the Board of Education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 613, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Adams (C), Roberts and Riddick:

H. 614. An Act to provide for the establishment of a Board of Governors for Junior, Community and Technical Colleges for certain public postsecondary institutions of higher education and describing the scope, authority, and duties of such Board of Governors; to provide for the composition of, eligibility for, and succession to the Board; to provide for the method of filling vacancies to the Board and that funds shall be appropriated for the operation of the Board; to provide that the Board shall make reports to the Governor and the Legislature; to provide for rule making authority in the Board, procedures for requiring compliance with Board policies and rules, approval of new institutions, and approval of fees and tuitions; to provide for review by the Board of requests for funds prior to appropriating funds for private institutions or students attending same; to authorize the Board to reallocate institutional budgets; to authorize the Board to consolidate or abolish institutions and to grant the Board authority to abolish or add degrees; to provide that the Board may appoint and constitute advisory councils; to provide that the former authority of the State Board of Education over the subject postsecondary institutions shall be vested in the Board of Governors for Junior, Community and Technical Colleges; to provide that neither the bonded indebtedness of the State nor any other similar obligation shall be impaired; to provide for the staff and the employment of other professional and clerical personnel and for their compensation.

Ways and Means.

By Rep. Adams (C):

H. 615. To make further provisions for the issuance of obligations by Alabama federal aid highway finance authority by amending article 10 of chapter 1 of Title 23 of the Code of Alabama of 1975 so as to provide for the issuance and use of proceeds of obligations of the authority for the purpose of anticipating and providing for not only the federal share of the cost of constructing interstate and defense highways but also for the purpose of anticipating and providing for the federal share of the costs of constructing state highways to the extent that the said highways constitute primary highways as defined in section 23-1-301; to delete the requirement that obligations be issued only for the purpose of providing funds to pay the federal share of the costs of constructing highway projects qualifying for reimbursement from the United States of America on a nine to one matching basis and to permit obligations of the authority to be issued and proceeds thereof to be expended for payment of any cost of constructing any interstate, defense or primary highway which is to be repaid or reimbursed to the state by the said United States pursuant to the written agreement provided for in this article; to amend section 23-1-300 of the said Code so as to provide that obligations of the authority shall be payable solely from federal-aid highway funds

to be received during the federal fiscal years ending in 1978 through 1995 (rather than the federal fiscal years 1978 through 1983); to amend section 23-1-301 of the said Code by (i) permitting the issuance of temporary bonds in coupon form, (ii) amending the definition of bond to include refunding bonds issued to refund outstanding obligations, (iii) amending the definition of note by further defining a note as an obligation which recites on its face that it is issued in anticipation of the sale by the authority of bonds and which is payable to the order of a named payee, and (iv) further defining a temporary bond as an obligation issued by the authority which recites on its face that it is issued in anticipation of the sale by the authority of bonds; to amend section 23-1-307 of the said Code by (i) deleting the provision of the said section which provides that the cost to be reimbursed by the federal government does not include the expense of borrowing or interest on obligations issued by the authority, and (ii) providing that the authority may from time to time sell and issue refunding bonds for the purpose of refunding any then outstanding obligations of the authority and to provide that the provisions of the said section limiting the aggregate principal amount of bonds to \$212,000,000 shall not apply to refunding bonds; to extend from eight to fifteen years the maximum permissible maturity date of bonds; to delete the requirement of section 23-1-310 of said Code that the bonds be sold only at public sale and at a price at least equal to their face value and to provide that any obligation of the authority may be sold either at public or private sale and at such prices as may be deemed most advantageous by the board of directors, but that none of the obligations may be sold for a price less than 97% of their par or face value; to exempt all obligations issued by the authority from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of the code of Alabama of 1975; to amend section 23-1-313 of the said Code by (i) deleting the prohibition with respect to the use of the proceeds of obligations of the authority for payment of fees of fiscal agents or financial consultants, and (ii) providing that proceeds of refunding bonds may be used for payment of principal of and interest on any outstanding obligations of the authority and for payment of any redemption premium necessary in order to redeem or retire the said outstanding obligations; to amend section 23-1-314 of the said Code by (i) extending the period for which funds to be received by the state from the United States government may be pledged to the federal fiscal year ending in 1995, and (ii) providing that the said funds received from the federal government during any federal fiscal year should be set aside to pay not only those obligations of the authority which mature during such federal fiscal year but also any obligations which are subject to mandatory redemption by the authority during any such federal fiscal year; and to make certain other clarifying changes and to correct certain typographical errors.

State Administration.

By Reps. Shavers and Hall (With Notice and Proof):

H. 616. Relating to Jackson County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 616, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Shavers and Hall (With Notice and Proof):

H. 617. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Langston in Jackson County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 617, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 618. To amend Section 1 of Act No. 179, H. 976, 1979 Regular Session (Acts 1979, p. 289), entitled "An Act Relating to Washington County; to provide an expense allowance to the circuit clerk and for the adjustment of such allowance," so as to provide further for the expense allowances of said circuit clerk and to provide for its retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 618, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Grouby and Manley:

H. 619. Relating to state finance; providing certain procedure for payment of certain vouchers by the state comptroller and prescribing penalty for violation.

State Administration.

By Rep. Waggoner (With Notice and Proof):

H. 620. To amend Section 5 of Act No. 619 of the Regular Session of the Legislature of Alabama of 1949 (Ala. Acts, 1949, p. 956), which said Act supplemented the Jefferson County Sewer Amendment to the Constitution of Alabama.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 620, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner:

H. 621. To exempt certain catalogues from state, county and municipal sales and use taxes; to provide retroactive effect and to provide certain refunds for prior taxed catalogues.

Ways and Means.

By Reps. Bedsole, McMillan, Hines, Turner, Sandusky, Penry, Clark (W), Dial, Shoemaker, Johnson (R. G.), Owens, Harper (T), Adams (C), Drinkard, Roberts, Patton, Harper (O), Willis, Crow, Gilmer, Blake, Stewart, Buskey, Kennedy and Ray:

H. 622. To establish the Recreation and Heritage Fund; to define terms used in this Act; to establish the procedures for assisting state, county and municipal agencies in planning, acquiring and developing recreational, historical, cultural and natural resources; and to provide for the administration of the Recreation and Heritage Fund program by the Department of Conservation and Natural Resources.

Ways and Means.

By Rep. Zoghby:

H. 623. To amend Section 19-3-1, Code of Alabama 1975, which provides for the creation of trusts for the support of relatives, so as to provide further for said trusts.

Judiciary.

By Rep. Harper (T):

H. 624. To increase the license fees for gill and trammel nets used in saltwaters; to provide for nonresident fees; to provide penalties for the violation of this act; and to repeal § 9-12-113, Code of Alabama 1975.

Natural Resources.

By Rep. Harper (T):

H. 625. To provide for a live bait shrimp dealers license; to regulate the taking and transporting of shrimp for live bait; to regulate the taking of shrimp for commercial and noncommercial purposes by persons other than dealers; to prescribe penalty for persons violating the provisions of this act; and to repeal §§ 9-12-48, 9-12-55 through 9-12-60 inclusive, 9-12-92, and 9-12-93, Code of Alabama 1975.

Natural Resources.

By Rep. Albright:

H. 626. Every person, partnership or corporation operating a public horseback riding stable shall carry a minimum of one hundred thousand dollars coverage in comprehensive liability insurance for protection against personal injury or property damage to the public.

Public Welfare.

By Rep. Sandusky (With Notice and Proof):

H. 627. To provide for fees, to set fees, to establish the method of collection, and to provide for the disbursement of fees for the Sheriff of Mobile County, Alabama.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 627, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Sandusky (With Notice and Proof):

H. 628. To establish a Sheriff's filing fee on all civil and criminal cases filed in Mobile County, Alabama, and to provide for the collection and disbursement of said fee.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 628, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Kennedy (With Notice and Proof):

H. 629. To provide for supplementing the salaries or compensation paid to certain semiretired or retired district judges in the 13th Judicial Circuit.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 629, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens:

H. 630. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982.

Ways and Means.

By Rep. Owens:

H. 631. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Ways and Means.

By Rep. Owens:

H. 632. To make appropriations for the support and maintenance of the Marion Military Institute.

Ways and Means.

By Rep. Owens:

H. 633. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Ways and Means.

By Rep. Owens:

H. 634. To make appropriations for the support and maintenance of the Talladega College.

Ways and Means.

By Rep. Owens:

H. 635. To make appropriations for the support and maintenance of the Walker County Junior College.

Ways and Means.

By Rep. Owens:

H. 636. To make appropriations for the support and maintenance of the Tuskegee Institute.

Ways and Means.

By Reps. Penry, Harper (T) and McMillan:

H. 637. To create a crab catcher's license; to establish when such license is required; to create a tagging system for commercial crab traps; to distribute the proceeds of such licenses; and to provide penalties for violation of this act.

Natural Resources.

By Reps. Penry and McMillan:

H. 638. To require licensing of businesses engaged in the sale, processing, and packing for resale of seafood and of wholesale and retail outlets selling seafood and to provide penalties for violation of this act.

Natural Resources.

By Rep. Drinkard:

H. 639. To give electors confined to wheelchairs or those otherwise immobilized the opportunity to vote without leaving the vehicle.

State Administration.

RESOLUTION

The following resolution was introduced:

By Reps. Starkey, Smith (M) and Coburn:

H. J. R. 119. INSTRUCTING THE STATE HIGHWAY DEPARTMENT TO CEASE ALL PLANS FOR THE PROPOSED I-565 HUNTSVILLE ACCESS TO INTERSTATE 65.

WHEREAS, with the recent increase in the price of gasoline, a resultant decrease in sales has reduced anticipated revenue to the State Highway Department; and

WHEREAS, in view of a severe shortage of funds, every possible effort should be made to use available revenue as efficiently as possible; and

WHEREAS, the proposed interstate spur known as I-565 would cost an estimated \$313 million, at today's cost, for approximately 21 miles of interstate; and

WHEREAS, the City of Huntsville already has ready access to Interstate 65 via two four-lane highways and the exorbitant cost of I-565 would far outweigh any benefit to be realized from the construction of a third Huntsville access to I-65; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby instruct the Director and other officials of the State Highway Department to immediately cease all plans for the construction of the proposed I-565 in Alabama.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to notify State Highway Department Director Bobby J. Kemp, by copy of this resolution, of the directive of the Alabama Legislature with regard to the proposed I-565 in Alabama.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Starkey offered the motion to suspend the rules and adopt the resolution, H. J. R. 119.

DIVISION OF THE QUESTION

Rep. Riddick called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Starkey to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 119, and the motion was lost, lacking a four-fifths vote.

Yeas 23; Nays 10.

Yeas:

Reps.: Adams (H), Brakefield, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Gilmer, Harvey, Howard, Letson, Manley, Mitchell, Naramore, Olive, Parker, Patton, Seibels, Shavers, Smith (M), Starkey, Stout and Wyatt.

—23

Nays:

Reps.: Albright, Barton, Blake, Hall, Harper (O), Rains, Riddick, Roberts, Smith (J), and Waggoner.

—10

The resolution, H. J. R. 119, was read and referred to the Standing Committee on Rules.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 56. HONORING MRS. MARCIA M. SEARS UPON HER ELECTION AS PRESIDENT OF THE ALABAMA PRESS ASSOCIATION.

Also:

S. J. R. 57. HONORING COACH JOHN W. COX OF CHILDERSBURG, ALABAMA.

Also:

S. J. R. 58. COMMENDING MR. HOKE KERNS FOR EXTRAORDINARY SERVICE AS COMMISSIONER OF MEDICAL SERVICES ADMINISTRATION.

Also:

S. J. R. 59. COMMENDING WESLEY LANCE LAIRD FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

S. J. R. 60. EXTENDING THE CONGRATULATIONS AND BEST WISHES OF THE LEGISLATURE TO ALICE JO BURTON.

Also:

S. J. R. 61. MOURNING THE DEATH OF DR. RALPH DEMPSEY BROWN, PROMINENT TUSCALOOSA CHIROPRACTOR AND FORMER STATE REPRESENTATIVE.

Also:

S. J. R. 62. WELCOMING COACH PATRICK DYE TO ALABAMA AS HEAD FOOTBALL COACH AT AUBURN UNIVERSITY.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 40. CONGRATULATING AND COMMENDING GORDO HIGH SCHOOL, CLASS 2A STATE FOOTBALL CHAMPIONS.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length

having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 110. HONORING MR. WALTER ALBERT GREENE, PROMINENT SUMTER COUNTY BUSINESSMAN AND CIVIC LEADER.

Also:

H. J. R. 111. COMMENDING MARION MILITARY INSTITUTE ON ITS FORMAL REVIEW HONORING THE COURAGEOUS MEN AND WOMEN OF OUR ARMED FORCES WHO SERVED DURING THE VIETNAM CONFLICT.

Also:

H. J. R. 113. COMMENDING MISS RAMONA LORET DOYLE.

Also:

H. J. R. 117. COMMENDING MR. JAMES RECORD FOR EXTRAORDINARY SERVICE TO MADISON COUNTY, ALABAMA.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Williams:

H. J. R. 120. HONORING THE ACCOMPLISHMENTS OF THE DALEVILLE HIGH SCHOOL'S FEMALE ATHLETES.

WHEREAS, the Legislature of Alabama acknowledges both academic and athletic achievement on the part of the youth of this great State; and

WHEREAS, the Lady Warhawks, representing the Daleville High School, from the City of Daleville, Alabama, House District 72, have distinguished themselves as accomplished participants in the art of basketball, advancing to State level competition by first winning the Region II, Class IIIA Tournament and the Area Championship; and

WHEREAS, the many hours of vigorous practice have been rewarded through lofty distinctions gained in competition, and their humility of character has established these young citizens as worthy ambassadors, disseminating good will wherever they have traveled; and

WHEREAS, behind all successful endeavors, quality in leadership is prevalent; excellent coaching, talented participants, responsive administration and loyal supporters are the ingredients to successful athletic attainment, and this program has it all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we desire to show our appreciation to the Daleville High School Lady Warhawks for their many outstanding accomplishments and wish them well as they continue in their development.

The resolution, H. J. R. 120, was read and referred to the Standing Committee on Rules.

Also:

By Rep. McCorquodale:

H. R. 121. COMMENDING THE JACKSON ARMADILLO GOURMET SOCIETY ON THEIR ANNUAL DINNER.

WHEREAS, there existed a void of gourmet dining in Clarke County and Jackson, Alabama; and

WHEREAS, a group of concerned and dedicated citizens led by Gene Whitehead recognized this serious problem and took dedicated, concerned and courageous action to remedy the situation despite the risk of personal injury, loss of working hours and despite family protests and objections; and

WHEREAS, in spite of numbing cold, driving rain, flood waters, sleet and ice, this band of dedicated, determined, brave men and women pressed for their goal and provided gourmet dining for Clarke County in Jackson, Alabama, because they entered the game-infested wilds of Clarke County in search of great delicacies; and

WHEREAS, some members became discouraged by loss of sleep, nagging wives, crying babies, and sheer financial failure, and had to abandon their efforts, the main group, through their courage, perseverance, dedication, determination and utter disregard for personal safety, struggled through to their ultimate goal; and

WHEREAS, this group is known as the Jackson Armadillo Gourmet Society and has provided the great delicacies of rattlesnake, turtle, alligator tail, deer, turkey, quail, squirrel, coon, opossum, duck, fish, wild hog, and other game, and will prepare it in unparelled cuisine to serve at their annual dinner; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That we do feel a deep sense of appreciation to the brave band of dedicated and determined men and women for their efforts in bringing about the annual Jackson Armadillo Gourmet Society dinner and the great social uplift and other benefits derived from this affair.

BE IT FURTHER RESOLVED, That the Speaker of this House deliver a copy of this resolution to the Jackson Armadillo Gourmet Society as a token of our hearty congratulations and wishes for continued future success.

On motion of Rep. McCorquodale, the rules were suspended and the resolution, H. R. 121, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. McKee:

H. R. 122. HONORING SOUTHBOUND GLORY FOR THEIR OUTSTANDING CONTRIBUTIONS TO BLUEGRASS MUSIC AND ENTERTAINMENT.

Also:

The following resolutions were introduced:

By Rep. Harvey:

H. J. R. 123. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MR. CLAUDE RAY MARSH, PROMINENT BLOUNT COUNTY BUSINESSMAN AND CIVIC LEADER.

WHEREAS, The legislature of Alabama has grievously noted the death of Mr. Claude Ray Marsh of Trafford, Blount County, Alabama on January 11, 1981, at the age of just 48 years; and

WHEREAS, Mr. Marsh, who was tragically killed in an automobile accident, was a partner and vice president of Calvert and Marsh Coal Company, Incorporated, which is one of Blount County's largest employers and as such, has been long and substantially beneficial to the economy of that area of our state; and

WHEREAS, in further responsible concern for the well being of his county and State Mr. Marsh served on the Board of Directors of Central Bank and on the Alabama State Docks Board; he was a member also of the Oneonta Rotary Club, Locust Fork Masonic Lodge and Center Hill Presbyterian Church; and

WHEREAS, Mr. Marsh's death has indeed left a deep void in the community he served so responsibly and for so many years, always exhibiting genuine interest and concern for his beloved community and all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Claude Ray Marsh of Blount County, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Rebecca Calvert Marsh, and their children, to his parents, Mr. and Mrs. R. E. Marsh, and other family members to whom copies of this resolution shall be sent, evidencing our shared sorrow and concern in their great loss.

On motion of Rep. Harvey, the rules were suspended and the resolution, H. J. R. 123, was adopted.

Also:

By Rep. Holmes:

H. J. R. 124. ENCOURAGING PRESIDENT REAGAN TO RESTORE FEDERAL CONTROLS ON OIL PRICES.

WHEREAS, on January 28, 1981, President Ronald Reagan abolished the last federal controls on oil prices; and

WHEREAS, the immediate result of this action has been a meteoric rise in the price of gasoline which had already reached near prohibitive proportions for the average American motorist; and

WHEREAS, there are millions of our citizens who must provide their own transportation in order to get to and from their places of employment and, for these individuals, gasoline is a necessity if they are to keep their job; and

WHEREAS, since President Reagan's total deregulation action and the resultant price increase for gasoline, it has become increasingly common for many lower income citizens to have literally cut down on food for their families in order to buy gasoline; and

WHEREAS, during the severity of this abnormally cold winter, many of our citizens have been hard pressed to meet the exorbitant cost of heating their homes and any increase whatsoever in fuel prices will bring additional hardships on those who already suffer unduly; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we respectfully urge President Reagan to reconsider and promptly restore federal control on oil prices.

BE IT FURTHER RESOLVED, That our President be informed by copy of this resolution, of this request of the Alabama Legislature.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Holmes offered the motion to suspend the rules and adopt the resolution, H. J. R. 124.

DIVISION OF THE QUESTION

Rep. McKee called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Holmes to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 124, and the motion was lost.

Yeas 8; Nays 9.

Yeas:

Reps. Buskey, Holmes, Horn, Howard, Kennedy, Letson, Rains and Wyatt.

—8

Nays:

Reps. Clark (G), Cosby, Hammett, McKee, Manley, Patton, Pegues, Roberts and Smith (J).

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H. J. R. 124, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Zoghby, Sandusky, Turner, Parker, Kennedy, Buskey, Stewart, Clark (W), Bedsole, Harper (T) and McMillan:

H. R. 125. INVITING THE "NIFTY-FIFTIES" PATRIOTIC PRESENTATION OF WESTLAWN ELEMENTARY SCHOOL TO PERFORM BEFORE THE HOUSE OF REPRESENTATIVES IN THE HOUSE CHAMBER.

WHEREAS, the "Nifty-fifties" is a patriotic musical presentation composed of Grades three, four and five from Westlawn Elementary School in Mobile, Alabama; and

WHEREAS, the fifty students of the presentation each represent a state and perform annually at America's Junior Miss pageant; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That the "Nifty-fifties" patriotic presentation be invited to perform in the House Chamber, March 19, 1981, at 12:00 noon.

On motion of Rep. Zoghby, the rules were suspended and the resolution, H. R. 125, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Cook, Hall and Parsons:

S. 197. To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 197. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Callahan:

S. 284. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Also:

By Mr. Mitchem:

S. 331. To amend Section 2-8-9 and repeal Section 2-8-14 of the Code of Alabama 1975 providing for a promotional program for the production, marketing, use and sale of cattle so as to further provide for the length of the period of assessment after a referendum on that subject and to repeal provisions providing for an election by cattle owners not to pay an assessment.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 284. State Administration.

S. 331. Agriculture and Forestry.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Higginbotham:

S. 135. To amend Code of Alabama, 1975, §16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

Also:

By Messrs. deGraffenried and Robertson:

S. 152. To amend Section 2 of Act No. 80-583, S. 453, Regular Session 1980 (Acts 1980, p. 896) in order to clarify the term of office for the additional district judgeship in Tuscaloosa County.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 135. Education.

S. 152. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Holmes:

S. 60. To permit a period of silence to be observed for the purpose of meditation or voluntary prayer at the commencement of the first class of each day in all public schools.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 60. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Parsons:

S. 310. To provide for health insurance claim forms; requiring the State Insurance Commissioner to prescribe standard health insurance claim forms to be used by hospitals; requiring acceptance of such forms by insurers doing business in the State of Alabama; requiring the use of such forms by those agencies of the state which pay providers of health care for hospital and physicians' services.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 310. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. St. John:

S. 68. To amend Sections 27-3-11, 27-6-3, 27-27-29 and 27-41-4, Code of Alabama 1975, to permit the use of clearing corporations and book-entry in connection with deposits and investments, and to permit the assets to be reflected on the books of clearing corporations and composed of book-entries.

Also:

By Messrs. Mitchem and Keener:

S. 219. To amend § 12-19-150, Code of Alabama 1975, to provide that in the interest of justice a judge may, in his discretion enter an order dismissing a case prior to trial, conditioned upon payment of the docket fee and other court costs; and to provide an effective date.

Also:

By Mr. Teague:

S. 109. To amend § 9-11-147 of the Code of Alabama 1975, so as to provide further for the marking and identification of slat boxes used for commercial fishing.

Also:

By Messrs. Goodwin and Taylor:

S. 116. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committee as follows:

S. 68. Judiciary.

S. 219. Judiciary.

S. 109. Natural Resources.

S. 116. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Little, Parsons, Barron, Proctor, Britnell, McDonald, Smith, Vacca, Bailey, Higginbotham, Mitchem, Hall and Miller:

S. 95. To establish an employee suggestion award program whereby cash or awards may be made to state employees whose adopted suggestions result in savings or improvement in state government.

Also:

By Messrs. McDonald, Smith and Lemaster:

S. 112. To amend Sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, or whether created by general, special or local laws, or general laws of local application, if the authority governs an airport operated by a county and at least one municipality therein jointly, to be eligible recipients of funds and assistance from the state industrial development authority.

Also:

By Mr. Cook:

S. 150. To provide for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 95. Ways and Means.

S. 112. Commerce, Transportation and Utilities.

S. 150. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Little (With Notice and Proof):

S. 318. Relating to Lee County; levying an additional ad valorem tax in the City of Auburn to be used for educational purposes and providing for a referendum.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. B. 318 AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 318. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. McDonald:

S. 163. To delete the requirement that physicians be certified in the sub-specialty of oncology to dispense cannabis under the Controlled Substances Therapeutic Research Act; to provide that the State Board of Medical Examiners may apply to contract with the National Institute of Drug Abuse for receipt of cannabis; to provide that the Board may formulate and promulgate such guidelines as are necessary for dispensing cannabis; and to provide that the Board may establish the rules and regulations requiring accurate reporting and accountability by each practitioner.

Also:

By Mr. Pearson:

S. 104. To extend the statute of limitations in regard to violations of the competitive bid laws.

Also:

By Mr. Pearson:

S. 105. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bids, so as to further require certain municipal and county

boards to let competitive bids on certain service and rental contracts and in certain instances where cumulative contracts awarded to an individual or a business entity exceed a certain monetary amount; and to provide certain exceptions thereto.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 163. Health.
- S. 104. Judiciary.
- S. 105. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Teague:

S. J. R. 64. HONORING AND CONGRATULATING COACH CHARLES MILLER OF TALLADEGA HIGH SCHOOL.

Also:

By Messrs. deGraffenried, Robertson and Cook:

S. J. R. 65. COMMENDING AND CONGRATULATING THE TUSCALOOSA ACADEMY KNIGHTS, STATE BASKETBALL CHAMPIONS, ALABAMA PRIVATE SCHOOL ASSOCIATION.

Also:

By Messrs. deGraffenried, Robertson, Cook, Bailey, Barron, Britnell, Callahan, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 66. NAMING OCTOBER 23, 1981, IN HONOR OF PAUL W. BRYANT OF THE UNIVERSITY OF ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Dial, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 64, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Barton, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 65, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Barton, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 66, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Reps. Owens, McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 126. COMMENDING REPRESENTATIVE JAMES G. SASSER.

WHEREAS, on February 26, 1981, the State Board of Education announced its selection of Representative James G. Sasser to assume the presidency of Alabama Aviation and Technical College, which institution Mr. Sasser has served for the past several years as Dean of Instruction; and

WHEREAS, eminently qualified for this responsible position, our friend James Sasser is a graduate of Troy State University with a B. S. Degree, and he holds a Masters Degree in School Administration from the University of Alabama; he is a former coach and principal, as well as trade and industrial education coordinator for the Ozark City School Board; and

WHEREAS, a United States Army veteran of World War II and a retired Army Reserve officer with 23 years of service, Mr. Sasser is a member of both the VFW and the American Legion; he also is a Mason and a member of the First United Methodist Church of Ozark where he serves on the Board of Stewards; and

WHEREAS, it has been our privilege and good fortune to serve with Jim Sasser in the Legislature since he was first elected in 1974 to House District 69, representing constituents from Dale, Barbour and Henry Counties; his legislative service has been marked by excellence, distinguished in achievement and total in its dedication to the good of his district as well as the entire State of Alabama; and

WHEREAS, through past and present service on such important committees as Education, Health, Military Affairs, Rules, and Ways and Means, Jim Sasser's knowledgeability and expertise have proved invaluable to our State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Representative James G. Sasser on his prestigious appointment as President of Alabama Aviation and Technical College; we wish him well in his new position and express the gratitude of all the citizens of Alabama for his dedicated and distinguished legislative service.

BE IT FURTHER RESOLVED, That our colleague Jim Sasser, be presented with a copy of this resolution in token of friendship and our high regard.

On motion of Rep. Owens, the rules were suspended and the resolution, H. J. R. 126, was adopted.

BILLS ON THIRD READING

H. 378 POSTPONED

On motion of Rep. Minus, the bill, H. 378, was postponed to the twelfth legislative day.

And the bill:

H. 397. Relating to the City of Florence; repealing Act No. 2459, H. 2839 of the 1971 Regular Session (Acts 1971, Vol. V, p. 3925), entitled "An Act To prohibit the City of Florence, or any agency thereof, from collecting outside the corporate limits of said city and permit fees, inspection fees or other fees with respect to the enforcement of any building code provision; to provide that building code provisions may be enforced within the police jurisdiction of said city, but to limit the collection of all fees and charges therefor to the area within the corporate limits of the City of Florence."

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Blake, Brakefield, Buskey, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Dixon, Drinkard, Edwards, Gafford, Gilmer, Hall, Hammett, Harvey, Holmes, Kelley, Kennedy, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Penry, Rains, Seibels, Shavers, Shoemaker, Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Williams, Willis and Wyatt:

—45

Nay: Rep. Greer.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 476. Relating to the Town of Killen, Lauderdale County; providing for annexation to the Town of Killen.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Blake, Brakefield, Buskey, Campbell, Cheatwood, Clark (G), Cobb, Crow, Edwards, Gilmer, Greer, Hall,

Hammett, Harper (O), Harvey, Holmes, Howard, Kelley, Kennedy, Langford, Manley, Minus, Olive, Owens, Parker, Payne, Penry, Rains, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Venable, Waggoner, Warren, Williams and Willis:

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was uestion and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 568. To repeal Act No. 158, 1969 Special Session, and Act No. 950, 1969 Regular Session, relating to compensation and expense allowances paid to the board of equalization in counties with a population of not less than 13,700 nor more than 14,300 inhabitants.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Blake, Brakefield, Cheatwood, Clark (G), Cobb, Crow, Daniels, Drinkard, Edwards, Gilmer, Greer, Grimsley, Hall, Harper (O), Harper (T), Harvey, Holmes, Howard, Kelley, Kennedy, Laird, Langford, Manley, Minus, Moore, Olive, Payne, Rains, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Waggoner, Williams, Willis and Wyatt:

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 569. Relating to Lamar County; providing for the amount of compensation to be paid members of the jury commission, board of equalization and the board of registrars.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Boles, Brakefield, Cheatwood, Clark (G), Crow, Drinkard, Edwards, Gilmer, Greer, Hall, Harper (O), Harper (T), Harvey, Howard, Kelley, Kennedy, Laird, Langford, Manley, Minus, Moore, Olive, Payne, Penry, Rains, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Williams, Willis and Wyatt:

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 576. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Cleburne County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Cleburne County; and prescribing the procedure for the collection of such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Brakefield, Buskey, Cheatwood, Clark (G), Crow, Dial, Drinkard, Edwards, Gilmer, Goodwin, Greer, Hall, Harper (O), Harper (T), Harvey, Howard, Johnson (R.G.), Kennedy, Laird, Langford, Letson, Manley, Minus, Moore, Olive, Owens, Penry, Rains, Ray, Seibels, Shavers, Shoemaker, Starkey, Stout, Trammell, Waggoner, Williams and Willis.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 587. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Elmore County shall have or exercise police jurisdiction within Elmore County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Elmore County or over or on any person in Elmore County or property or business or trade or profession in Elmore County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Elmore County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Elmore County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (G), Crow, Drinkard, Edwards, Gilmer, Goodwin, Greer, Hall, Harper (O), Harper (T), Harvey, Holmes, Howard, Kennedy, Laird, Langford, Manley, Moore, Olive, Owens, Patton, Rains, Ray, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Venable, Williams and Willis.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. 110 POSTPONED

On motion of Rep. Drinkard, the bill, S. 110, was postponed to the tenth legislative day.

S. 165 POSTPONED

On motion of Rep. Drinkard, the bill, S. 165, was postponed to the tenth legislative day.

And the bill:

H. 229. To regulate and control the operation and licensing of massage parlors within Mobile County; and providing penalties for violation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bennett, Blake, Bowling, Clark (G), Clark (W), Crow, Drinkard, Gilmer, Goodwin, Greer, Grimsley, Hall, Harper (O), Harper (T), Harvey, Howard, Kelley, Kennedy, Laird, Langford, McMillan, Manley, Mitchell, Olive, Patton, Payne, Rains, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Williams, Willis and Wyatt.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 163 POSTPONED

On motion of Rep. Pegues, the bill, H. 163, was postponed to the twelfth legislative day.

Yeas 46; Nays 27.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Blake, Bowling, Campbell, Cheatwood, Clark (W), Cooley, Cosby, Crow, Dial, Edwards, Gilmer, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Johnson (R.G.), Kelley, Laird, Letson, McKee, Manley, Minus, Mitchell, Patton, Payne, Pegues, Rains, Ray, Roberts, Shoemaker, Smith (M), Starkey, Venable, Ward, Warren, Whatley, Williams and Willis.

—46

Nays:

Reps. Amari, Barton, Bedsole, Bennett, Boles, Buskey, Clark (G), Dixon, Gregg, Harper (T), Holmes, Horn, Howard, Kennedy, Langford, Moore, Owens, Penry, Sandusky, Seibels, Shavers, Smith (C), Stewart, Trammell, Turner, Waggoner and Wyatt.

—27

And the bill:

H. 32. To amend the following sections of Title 7 of the Code of Alabama 1975: Section 7-1-105 pertaining to territorial application of title 7, and parties' power to choose applicable law; Section 7-1-201 pertaining to general definitions; Section 7-2-107 pertaining to goods to be severed from realty, and recording; Section 7-5-116 pertaining to transfer and assignment; Section 7-9-102 pertaining to policy and scope of Article 9; Section 7-9-103 pertaining to accounts, contract rights, general intangibles and equipment relating to another jurisdiction, and incoming goods already subject to a security interest; Section 7-9-104 pertaining to transactions excluded from Article 9; Section 7-9-105 pertaining to definitions and index of definitions; Section 7-9-106 pertaining to definitions of "account," "contract right," and "general intangibles"; Section 7-9-203 pertaining to enforceability of the security interest, proceeds, and formal requisites; Section 7-9-204 pertaining to when the security interest attaches, after-acquired property, and future advances; Section 7-9-205 pertaining to the permissibility of use or disposition of collateral without accounting; Section 7-9-301 pertaining to persons who take priority over unperfected security interests, and "lien creditors"; Section 7-9-302 pertaining to when filing is required to perfect the security interest, and security interests to which the filing provisions of Article 9 do not apply; Section 7-9-304 pertaining to perfection of security interests in instruments, documents, and goods covered by documents, perfection by permissive filing, and temporary perfection without filing or transfer of possession; Section 7-9-305 pertaining to when possession by the secured party perfects the security interest without filing; Section 7-9-306 pertaining to "proceeds," and the secured party's rights on disposition of collateral; Section 7-9-307 pertaining to protection of buyers of goods; Section 7-9-308 pertaining to purchase of chattel paper and nonnegotiable instruments; Section 7-9-310 pertaining to priority of certain liens arising by operation of law; Section 7-9-312 pertaining to priorities among conflicting security interests in the same collateral; Section 7-9-313 pertaining to priority of security interests in fixtures; Section 7-9-318 pertaining to defenses against assignees, modification of contract after notification of assignment, ineffectiveness of a term prohibiting assignment, and identification and proof of assignment; Section 7-9-401 pertaining to place of filing, erroneous filing, and removal of collateral; Section 7-9-402 pertaining to formal requisites of financing statements, and amendments; Section 7-9-403 pertaining to what constitutes filing, duration of filing, effect of lapsed filing, and duties of filing officer; Section 7-9-404 pertaining to termination statements; Section 7-9-405 pertaining to assignment of security interests, duties of filing officer, and fees; Section 7-9-406 pertaining to release of collateral, duties of the filing officer, and fees; Section 7-9-407 pertaining to information from the filing officer; Section 7-9-408 pertaining to prescribed fees in lieu of all others (to be renumbered as Section 7-9-409); Section 7-9-501 pertaining to default, and the procedure when the security agreement covers both real and personal property; Section 7-9-502 pertaining to collection rights of the secured party; Section 7-9-504

pertaining to the secured party's right to dispose of collateral after default, and effect of disposition; and Section 7-9-505 pertaining to compulsory disposition of collateral, and acceptance of the collateral as discharge of obligation.

And to add to Title 7 of the Code of Alabama 1975 the following new sections: Section 7-9-114 pertaining to consignments; Section 7-9-408 pertaining to financing statements covering consigned or leased goods (with the present Section 7-9-408 to be renumbered as Section 7-9-409); Section 7-11-101 pertaining to effective date and definitions; Section 7-11-102 pertaining to preservation of old transition provision; Section 7-11-103 pertaining to the general rule for transition to the new U.C.C.; Section 7-11-104 setting forth the transition provision on change of requirement of filing; Section 7-11-105 setting forth the transition provision on change of place of filing; Section 7-11-106 pertaining to required refilings; Section 7-11-107 setting forth the transition provisions as to priorities; Section 7-11-108 pertaining to the presumption that rule of law continues unchanged; and Section 7-11-109 amending Section 35-9-60, Code of Alabama 1975, pertaining to landlord's liens, and amending Section 32-8-61, Code of Alabama 1975, pertaining to perfection of security interests under the Alabama Uniform Certificate of Title and Antitheft Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 10.

Yeas:

Reps. Amari, Barton, Bedsole, Bennett, Blake, Bowling, Buskey, Campbell, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Drinkard, Hall, Hammett, Harper (O), Harrison, Holmes, Howard, Letson, Lewis, McMillan, Minus, Naramore, Olive, Parker, Penry, Rains, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Willis, Wyatt and Zoghby.

—45

Nays:

Reps. Dial, Gilmer, Gregg, Holley, Johnson (R.G.), Kelley, Laird, Manley, Stout and Williams.

—10

And the bill:

H. 14. To amend Section 2 of Act No. 929, H. 1365, 1961 Regular Session (Acts 1961, p. 1487), relating to the Mobile Tree Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams, (C), Barton, Bedsole, Bennett, Blake, Buskey, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holmes, Horn, Kelley, Laird, Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Penry, Sandusky, Seibels, Shavers, Shoemaker, Smith (J), Stewart, Trammell, Turner, Whatley, Williams, Willis, Wyatt and Zoghby.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Miller:

S. J. R. 68. CONGRATULATING KINSTON HIGH SCHOOL, STATE 1A BASKETBALL CHAMPIONS.

Also:

By Mr. Miller:

S. J. R. 69. COMMENDING NEW BROCKTON HIGH SCHOOL, STATE 2A BASKETBALL CHAMPIONS.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 68, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 69, the title of which is set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

And the bill:

H. 7. (With Substitute): To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the legislative council to be the committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the legislative council to be the committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.

Be It Enacted by the Legislature of Alabama:

§ 1. Short Title.

This act shall be known as and may be cited as the Alabama Administrative Procedure Act.

§ 2. Statement of purpose.

This act is intended to provide a minimum procedural code for the operation of all state agencies when they take action affecting the rights and duties of the public. Nothing in this act is meant to discourage agencies from adopting procedures conferring additional rights upon the public; and, save for express provisions of this act to the contrary, nothing in this act is meant to abrogate in whole or in part any statute prescribing procedural duties for an agency which are in addition to those provided herein.

The purposes of the Alabama Administrative Procedure Act are: to provide legislative oversight of powers and duties delegated to administrative agencies; to increase public accountability of administrative agencies; to simplify government by assuring a uniform minimum procedure to which all agencies will be held in the conduct of their most important functions; to increase public access to governmental information; to increase public participation in the formulation of administrative rules; to increase the fairness of agencies in their conduct of contested case proceedings; and to simplify the process of judicial review of agency action as well as increase its ease and availability. In accomplishing its objectives, the intention of this act is to strike a fair balance between these purposes and the need for efficient, economical and effective government administration. The act is not meant to alter the substantive rights of any person or agency. Its impact is limited to procedural rights with the expectation that better substantive results will be achieved in the everyday conduct of state government by improving the process by which those results are attained.

Every state agency having express statutory authority to promulgate rules and regulations shall be governed by the provisions of this act and any additional provisions required by statute, and shall also have the authority to amend or repeal rules and regulations, and to prescribe methods and procedures required in connection therewith. Nothing in this act shall be construed as granting to any agency the authority to adopt or promulgate rules and regulations.

All agencies whose rules or administrative decisions are subject to approval by the Supreme Court are exempted from the provisions of this Act.

§ 3. Definitions.

The following words and phrases when used in this act shall, for the purpose of this act, have meanings respectively ascribed to them in this section, except when the context otherwise requires.

(1) Agency. Every board, bureau, commission, department, officer, or other administrative office or unit of the state, other than the legislature and its agencies, or the courts or the Alabama public service commission. The term shall not include boards of trustees of post-secondary institutions, counties, municipalities, or any agencies of such local governmental units, unless they are expressly made subject to this act by general or special law.

(2) Committee. The Joint Committee on Administrative Regulation review shall be the members of the Legislative Council.

(3) Contested case. A proceeding, including but not restricted to ratemaking, price fixing, and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing. Provided, however, that the term shall not include intra-agency personnel actions.

(4) License. The whole or part of any agency franchise, permit, certificate, approval, registration, charter or similar form of permission required by law, but not a license required solely for revenue purposes when issuance of the license is merely a ministerial act.

(5) Licensing. The agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license or imposition of terms for the exercise of a license.

(6) Party. Each person or agency named or admitted as a party or properly seeking and entitled as a matter of right (whether established by constitution, statute or agency regulation or otherwise) to be admitted as a party, or admitted as an intervenor under Section 14 of this act. An agency may by rule authorize limited forms of participation in agency proceedings for persons who are not eligible to become parties.

(7) Person. Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(8) Quorum. No less than a majority of the members of a multi-member agency shall constitute a quorum authorized to act in the name of the agency, unless provided otherwise by statute.

(9) Rule. Each agency regulation, standard or statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements of any agency and includes any form which imposes any requirement or solicits any information not specifically required by statute or by an existing rule. The term includes the amendment or repeal of all existing rules but does not include the following:

(a) Statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public;

(b) Declaratory rulings issued pursuant to § 11 hereof;

(c) Intergovernmental, interagency, and intra-agency memoranda, directives, manuals or other communications which do not substantially affect the legal rights of, or procedures available to, the public or any segment thereof;

(d) Determinations, decisions, orders, statements of policy and interpretations that are made in contested cases;

(e) An order which is directed to a specifically named person or to a group of specifically named persons which does not constitute a general class, and the order is served on the person or persons to whom it is directed by the appropriate means applicable thereto; the fact that the named person who is being regulated serves a group of unnamed persons who will be affected does not make such order a rule;

(f) An order which applies to a specifically described tract of real estate;

(g) Any rules or actions relating to:

(i) the conduct of inmates of public institutions;

(ii) the curriculum of public educational institutions or the admission, conduct, discipline, or graduation of students of such institutions, provided, however, that this exception shall not extend to rules or actions of the State Department of Education;

(iii) opinions issued by the Attorney General of the State of Alabama;

(iv) the conduct of commissioned officers, warrant officers and enlisted persons in the military service.

(v) advisory opinions issued by Alabama Ethics Commission.

§ 4. Public information; adoption of rules, public inspection; availability of rules and orders; sanction.

(1) In addition to the other rule-making requirements imposed by law, each agency shall:

(a) Adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests;

(b) adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency;

(c) make available for public inspection and copying, at cost, all rules and all other written statements of policy or interpretations formulated, adopted or used by the agency in the discharge of its functions;

(d) make available for public inspection and copying, at cost, and index by name and subject all final orders, decisions, and opinions which are issued after the effective date of this act except those expressly made confidential or privileged by statute or order of court.

(2) No agency rule, order, or decision shall be valid or effective against any person or party nor may it be invoked by the agency for any purpose until it has been made available for public inspection and indexed as required by this section and the agency has given all notices required by section 5 hereof. This provision is not applicable in favor of any person or party who has actual knowledge thereof and the burden of proving such knowledge shall be on the agency.

§ 5. Procedure for adoption of rules.

(1) Prior to the adoption, amendment, or repeal of any rule, the agency shall:

(a) give at least thirty-five days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where, and the manner in which interested persons may present their views thereon. The notice shall be given to the Chairman of the Legislative Committee as provided in Section 23 and mailed to all persons who pay the cost of such mailing and who have made timely request of the agency for advance notice of its rule-making proceedings and shall be published, prior to any action thereon, in the Alabama Administrative Monthly. A complete copy of the proposed rule shall be filed with the secretary of the agency and the Legislative Reference Service.

(b) afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if conflicting views are submitted on the proposed rule, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling any considerations urged against its adoption.

(2) Emergency rules. Notwithstanding any other provision of this act to the contrary, if an agency finds that an immediate danger to the public health, safety, or welfare requires adoption of a rule upon fewer than thirty-five days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule shall become effective immediately, unless otherwise stated therein, upon the filing of the rule and a copy of the written statement of the reasons therefor with the Legislative Reference Service and the secretary of the agency. The rule may be effective for a period of not longer than one hundred twenty days and shall not be renewable. An agency shall not adopt the same or a substantially similar emergency rule within one calendar year from its first adoption unless the agency clearly establishes it could not reasonably be foreseen during the initial one hundred twenty day period that such emergency would continue or would likely reoccur during the next nine months. The adoption of the same or a substantially similar rule by normal rule-making procedures is not precluded.

(3) It is the intent of this section to establish basic minimum procedural requirements for the adoption, amendment or repeal of administrative rules. Except for emergency rules which are provided for in subsection (2), the provisions of this section are applicable to the exercise of any rule-making authority conferred by any statute, but nothing in this section repeals or diminishes additional requirements imposed by law or diminishes or repeals any summary power granted by law to the State or any agency thereof.

(4) No rule hereafter adopted is valid unless adopted in substantial compliance with this section. A proceeding to contest any rule on the ground of non-compliance with the procedural requirements of this section must be commenced within two years from the effective date of the rule; provided, however, that a proceeding to contest a rule based on failure to provide notice as herein required may be commenced at any time.

§ 6. Filing and taking effect of rules.

(1) Each agency shall have an officer designated as its Secretary and shall file in the office of the secretary of the agency a certified copy of each rule adopted by it, including all rules as defined in this act existing on the

effective date of this act. Each rule or regulation promulgated, whether the original or a revision, and all copies thereof, shall have the name or names, of the author or authors, respectively, on its face. The Secretary of the agency shall keep a permanent register of the rules open to public inspection.

(2) The secretary of each agency shall file in the Office of the Legislative Reference Service, no later than fifteen days after the filing with the secretary of the agency, in a form and manner prescribed by the Legislative Reference Service a certified copy of each rule adopted by it, including all rules as defined in this act existing on the effective date of this act. The Legislative Reference Service shall keep a permanent register of the rules open to public inspection.

(3) Each rule hereafter adopted is effective thirty-five days after filing with the Legislative Reference Service, except that:

(a) if a later date is required by statute or specified in the rule, the later date is the effective date;

(b) subject to applicable constitutional or statutory provisions, a rule becomes effective immediately upon filing with the Legislative Reference Service, or at a subsequent stated date prior to indexing and publication, or at a stated date less than thirty-five days after filing, if the agency finds:

(i) that a statute so provides; or

(ii) that this effective date is necessary because of immediate danger to the public health, safety or welfare. In any subsequent action contesting the effective date of a rule promulgated under this subparagraph (ii), the burden of proof shall be on the agency to justify its finding. The agency's finding and a brief statement of the reasons therefor shall be filed with and made a part of the rule. Prior to indexing and publication, the agency shall make reasonable efforts to apprise the persons who may be affected by its rules of the adoption of rules made effective under the terms of this subparagraph.

§7. Publication of rules.

(1) The Secretary of the agency shall establish and maintain an official register of regulations which shall be compiled, indexed, published in loose-leaf form, and kept up to date by the Secretary of the agency. This register of regulations shall be known as "The (name of the agency) Administrative Code," and it shall be made available, upon request, at cost to all persons for copying and inspection and to those persons who subscribe thereto. Supplementation shall be made as often as is practicable, but at least once every year. The secretary of the agency shall number and renumber rules to conform with a uniform numbering system devised by the Legislative Reference Service.

(2) The secretary of the agency may omit from its administrative code rules that are general in form but are applicable to only one county or a part thereof. Rules so omitted shall be filed with the secretary of the agency, and exclusion from publication shall not affect their validity or effectiveness. The secretary of the agency shall publish a compilation of, and index to, all rules so omitted at least annually.

(3) The secretary of the agency shall make copies of the agency's administrative code available on an annual subscription basis, at cost.

(4) The secretary of the agency shall file with the Legislative Reference Service, not later than fifteen days after filing with the secretary of the agency, all rules or amendments or repeal of rules promulgated by the agency. In addition, the Secretary of the Alabama public service commission shall file with the Legislative Reference Service, not later than fifteen days after filing with the secretary of the commission, all rules or amendments or repeal of rules promulgated by that commission.

(5) The Legislative Reference Service shall establish and maintain an official register of regulations which shall be so compiled, indexed, published in looseleaf form and kept up to date by the Legislative Reference Service. The register of regulations shall be known as the "Alabama Administrative Code," and shall be made available at cost, upon request, to all persons for inspection and copying or who subscribe thereto. Supplementation shall be made as often as is practicable, but at least once every year. The Legislative Reference Service shall devise a uniform numbering system for rules and may renumber rules before publication to conform with the system.

(6) The Legislative Reference Service shall publish a monthly bulletin entitled the "Alabama Administrative Monthly", which shall contain a statement of either the terms or substance of all rules filed during the preceding month, excluding rules in effect upon the adoption of this act, together with other material required by law and such other material the agency or committee determines to be of general interest.

(7) The Legislative Reference Service may omit from the Alabama Administrative Monthly and the Alabama Administrative Code rules that are general in form but are applicable to only one county or a part thereof. Rules so omitted shall be filed with the Legislative Reference Service, and exclusion from publication shall not affect their validity or effectiveness. The Legislative Reference Service shall publish a compilation of, and index to, all rules so omitted at least annually.

(8) The Legislative Reference Service shall make copies of the Alabama Administrative Code and copies of the Alabama Administrative Monthly available at cost on an annual subscription basis.

(9) The Legislative Reference Service shall charge each agency using the Alabama Administrative Monthly a space rate computed to cover all publishing or printing costs related to the Alabama Administrative Monthly.

§ 8. Petition for adoption of rules.

Each agency shall prescribe by rule the form for petition requesting the adoption, amendment or repeal of a rule and the procedure for submission, consideration, and disposition thereof. Within sixty days after submission of a petition, the agency either shall deny the petition in writing on the merits, stating its reasons for the denial, or initiate rule-making proceedings in accordance with Section 5.

§ 9. Adoption by reference.

An agency may adopt, by reference in its rules and without publishing the adopted matter in full, all or any part of a code, standard or regulation which has been adopted by any other agency of this state or any agency of the United States. The reference shall fully identify the adopted matter by date and otherwise. The agency shall have available copies of the adopted matter for inspection and the rules shall state where copies of the adopted matter can be obtained and any charge therefor as of the time the rule is adopted.

§ 10. Declaratory judgment on validity or applicability of rules.

The validity or applicability of a rule may be determined in an action for a declaratory judgment, or its enforcement stayed by injunctive relief, in the circuit court of Montgomery County, unless otherwise specifically provided by statute, if the court finds that the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The agency shall be made a party to the action. In passing on such rules the court shall declare the rule invalid only if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without substantial compliance with rule-making procedures provided for in this act.

§ 11. Declaratory rulings by agencies.

On the petition of any person substantially affected by a rule, an agency may issue a declaratory ruling with respect to the validity of the rule or with respect to the applicability to any person, property or state of facts of any rule or statute enforceable by it or with respect to the meaning and scope of any order of the agency. The petition seeking an administrative determination under this section shall be in writing and shall state with particularity facts sufficient to show the person seeking relief is substantially affected by the rule. Each agency shall prescribe by rule the form of such petitions and the procedure for their submission, consideration and disposition, and shall prescribe in its rules the circumstances in which rulings shall or shall not be issued. A declaratory ruling is binding on the agency and the person requesting it unless it is altered or set aside by a court in a proper proceeding. Such rulings are subject to review in the circuit court of Montgomery County, unless otherwise specifically provided by the statute, in the manner hereinafter provided for the review of decisions in contested cases. Failure of the agency to issue a declaratory ruling on the merits within forty-five days of the request for such ruling shall constitute a denial of the request and shall be subject to judicial review.

§ 12. Contested cases; notice; hearing; records.

(1) In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice in writing delivered either by personal service as in civil actions or by certified mail return receipt requested. However, an agency may provide by rule for the delivery of such notice by other means. Delivery of the notice referred to in this subsection shall constitute commencement of the contested case proceeding.

(2) The notice shall include:

- (a) A statement of the time, place and nature of the hearing.
- (b) A statement of the legal authority and jurisdiction under which the hearing is to be held.
- (c) A reference to the particular sections of the statutes and rules involved.
- (d) A short and plain statement of the matters asserted. If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(3) If a party fails to appear in a contested case proceeding after proper service of notice, the presiding officer may, if no adjournment is granted, proceed with the hearing and make a decision in the absence of the party.

(4) Opportunity shall be afforded all parties to respond and present evidence and argument on all material issues involved and to be represented by counsel at their own expense.

(5) Unless precluded by statute, informal dispositions may be made of any contested case by stipulation, agreed settlement, consent order or default or by another method agreed upon by the parties in writing.

(6) The record in a contested case shall include:

(a) All pleadings, motions, and intermediate rulings.

(b) All evidence received or considered and all other submission; provided, in the event that evidence in any proceeding may contain proprietary and confidential information, steps shall be taken to prevent public disclosure of that information.

(c) A statement of all matters officially noticed.

(d) All questions and offers of proof, objections and rulings thereon.

(e) All proposed findings and exceptions.

(f) Any decision, opinion or report by the hearing officer at the hearing.

(g) All staff memoranda or data submitted to the hearing officer or members of the agency in connection with their consideration of the case unless such memoranda or data is protected as confidential or privileged; provided, if such memoranda or data contains information of a proprietary and confidential nature, it shall be protected by the agency from public disclosure.

(7) Oral proceedings shall be open to the public, unless private hearings are otherwise authorized by law. Oral proceedings shall be recorded either by mechanized means or by qualified shorthand reporters. Oral proceedings or any part thereof shall be transcribed at the request of any party with the expense of the transcription charged to the requesting party. The recording or stenographic notes of oral proceedings or the transcription thereof shall be filed with and maintained by the agency for at least five years from the date of decision, and shall be made available for inspection by the public except in those cases where private hearings are authorized by law, or where the proceedings shall be ordered sealed by order of court, or are required to be sealed by statute. (8) Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record.

§ 13. Rules of evidence; officially noticed facts.

In contested cases:

(1) The rules of evidence as applied in non-jury civil cases in the circuit courts of this state shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Whenever any evidence is excluded as inadmissible, all such evidence

existing in written form shall remain a part of the record as an offer of proof. The party seeking the admission of oral testimony may make an offer of proof by means of a brief statement on the record describing the testimony excluded. All rulings on the admissibility of evidence shall be final and shall appear in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received or may be required to be submitted in verified form; provided, the adversary party shall not be denied the right of cross examination of the witness. The testimony of parties and witnesses shall be made under oath.

(2) Documentary evidence otherwise admissible may be received in the form of copies or excerpts, or by incorporation by reference to material already on file with the agency. Upon request, parties shall be given an opportunity to compare the copy with the original.

(3) A party may conduct cross-examination required for a full and true disclosure of the facts, except as may otherwise be limited by law.

(4) Official notice may be taken of all facts of which judicial notice may be taken and of other scientific and technical facts within the specialized knowledge of the agency. Parties shall be notified at the earliest practicable time, either before or during the hearing, or by reference in preliminary reports, preliminary decisions or otherwise, of the facts proposed to be noticed and their source, including any staff memoranda or data, and the parties shall be afforded an opportunity to contest such facts before the decision is announced unless the agency determines as part of the record or decision that fairness to the parties does not require an opportunity to contest such facts.

(5) The experience, technical competence, and specialized knowledge of the agency may be utilized in the evaluation of the evidence.

§ 14. Intervention.

In contested cases:

(1) Upon timely application any person shall be permitted to intervene: (a) when a statute confers an unconditional right to intervene; or (b) when the applicant has an individual interest in the outcome of the case as distinguished from a public interest and the representation of the interest of the applicant is inadequate.

§ 15. Proposed orders; final decisions; examination of evidence.

In a contested case, a majority of the officials of the agency who are to render the final order must be in accord for the decision of the agency to be a final decision. If any official of the agency who is to participate in the final decision has not heard the case or read the record, and his vote would affect the final decision, the final decision shall not be made until a proposed order is prepared and an opportunity is afforded to each party adversely affected by the proposed order to file exceptions and present briefs and oral argument to the official not having heard the case or read the record. The proposed order shall contain a statement of the reasons therefor and of each issue of fact or law necessary to the proposed decision prepared by the person who conducted the hearing or one who read the record. The proposed order shall become the final decision of the agency without further proceedings unless there are exceptions filed or an appeal to the agency within the time provided by rule. The parties by written stipulation may waive compliance with this section.

§ 16. Final decisions and orders.

(1) The final order in a proceeding which affects substantial interests shall be in writing and made a part of the record and include findings of fact and conclusions of law separately stated, and it shall be rendered within thirty days:

(a) After the hearing is concluded, if conducted by the agency;

(b) After a recommended order, or findings and conclusions are submitted to the agency and mailed to all parties, if the hearing is conducted by a hearing officer; or,

(c) After the agency has received the written and oral material it has authorized to be submitted, if there has been no hearing. The thirty day period may be waived or extended with the consent of all parties and may be extended by law with reference to specific agencies.

(2) Findings of fact, if set forth in a manner which is no more than mere tracking of the statutory language, shall be accompanied by a concise and explicit statement of the underlying facts of record which support the findings. If, in accordance with agency rules, a party submitted proposed findings of fact or filed any written application or other request in connection with the proceeding, the order shall include a ruling upon each proposed finding and a brief statement of the grounds for denying the application or request.

(3) If an agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, it shall recite with particularity the facts underlying such findings in the final order, which shall be appealable or enjoinable from the date rendered.

(4) Parties shall be notified either personally or by certified mail return receipt requested of any order, and, unless waived, a copy of the final order shall be so delivered or mailed to each party or to his attorney of record.

§ 17. Application for rehearing.

(1) Any party to a contested case who deems himself aggrieved by a final order and who desires to have the same modified or set aside may within fifteen days after entry of said order file an application for rehearing which shall specify in detail the grounds for the relief sought therein and authorities in support thereof.

(2) The filing of such an application for rehearing shall not extend, modify, suspend or delay the effective date of the order, and said order shall take effect on the date fixed by the agency and shall continue in effect unless and until said application shall be granted or until said order shall be superseded, modified, or set aside in a manner provided by law.

(3) Such application for rehearing will lie only if the final order is:

(a) in violation of constitutional or statutory provisions;

(b) in excess of the statutory authority of the agency;

(c) in violation of an agency rule;

(d) made upon unlawful procedure;

(e) affected by other error of law;

(f) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(g) unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

(4) Copies of such application for rehearing shall be served on all parties of record, who may file replies thereto.

(5) Within 30 days from the filing of an application the agency may in its discretion enter an order:

(a) setting a hearing on the application for a rehearing which shall be heard as soon as practicable; or,

(b) with reference to the application without a hearing; or,

(c) grant or deny the application.

If the agency enters no order whatsoever regarding the application within the thirty day period, the application shall be deemed to have been denied as of the expiration of the 30 day period.

§ 18. Separation of functions.

(1) No individual who participates in the making of any proposed order or final decision in a contested case shall have prosecuted or represented a party in connection with that case, the specific controversy underlying that case, or another pending factually related contested case, or pending factually related controversy that may culminate in a contested case involving the same parties. Nor shall any such individual be subject to the authority, direction or discretion of any person who has prosecuted or advocated in connection with that contested case, the specific controversy underlying that contested case, or a pending factually related contested case or controversy, involving the same parties.

(2) A party to a contested case proceeding may file a timely and sufficient affidavit asserting disqualification according to the provisions of subsection (1), or asserting personal bias of an individual participating in the making of any proposed order or final decision in that case. The agency shall determine the matter as part of the record in the case. When an agency in these circumstances makes such a determination with respect to an agency member, that determination shall be subject to de novo judicial review in any subsequent review proceeding of the case.

§ 19. Proceedings affecting licenses.

(1) The provisions of this act concerning contested cases shall apply to the grant, denial, revocation, suspension, or renewal of a license.

(2) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

(3) No revocation, suspension, or withdrawal of any license is lawful unless, prior to the institution of agency proceedings, the agency gave notice by certified mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license.

(4) If the agency finds that danger to the public health, safety, or welfare requires emergency suspension of a license and states in writing its reasons for that finding, it may proceed without hearing or upon any abbreviated hearing that it finds practicable to suspend the license. The suspension shall become effective immediately, unless otherwise stated therein. The suspension may be effective for a period of not longer than one hundred twenty days and shall not be renewable. An agency shall not suspend the same license for the same or a substantially similar emergency within one calendar year from its first suspension unless the agency clearly establishes that it could not reasonably be foreseen during the initial one hundred twenty day period that such emergency would continue or would likely reoccur during the next nine months. When such summary suspension is ordered, a formal suspension or revocation proceeding under subsection (3) of this section shall also be promptly instituted and acted upon.

§ 20. Judicial review of contested cases.

(1) A person who has exhausted all administrative remedies available within the agency (other than rehearing) and who is aggrieved by a final decision in a contested case is entitled to judicial review under this act. A preliminary, procedural, or intermediate agency action or ruling is immediately reviewable if review of the final agency decision would not provide an adequate remedy.

(2) Except in matters for which judicial review is otherwise provided for by law, all proceedings for review shall be instituted by filing of notice of appeal or review and, where required by statute, a cost bond, with the agency. A petition shall be filed in the circuit court of the county in which the agency maintains its headquarters, or unless otherwise specifically provided by statute, where a party (other than an intervenor) resides or if a party (other than an intervenor), is a corporation, domestic or foreign, having a registered office of business office in this state, then in the county of such registered office or principal place of business within this state.

(3) The filing of the notice of appeal or the petition does not itself stay enforcement of the agency decision. If the agency decision has the effect of suspending or revoking a license, a stay or supersedeas shall be granted as a matter of right upon such conditions as are reasonable, unless the reviewing court, upon petition of the agency, determines that a stay or supersedeas would constitute a probable danger to the public health, safety, or welfare. In all other cases, the agency may grant, or the reviewing court may order, a stay upon appropriate terms, but, in any event, the order shall specify the conditions upon which the stay or supersedeas is granted; provided, however, if the appeal or proceedings for review to any reviewing court is from an order of the agency increasing, or reducing or refusing to increase, rates, fares or charges, or any of them, or any schedule or parts of any schedule of such rates, fares or charges, the reviewing court shall not direct or order a supersedeas or stay of the action or order to be reviewed without requiring, as a condition precedent to the granting of such supersedeas, that the party applying for supersedeas or stay shall execute and file with the clerk of said court a bond as provided for and required by statute or law. If the circuit court shall fail or refuse to grant supersedeas or stay, the party seeking such relief may petition the Court of Civil Appeals or the Supreme Court to order a supersedeas or stay of the action or order of the agency from which review is sought. After the required bond shall have been filed and approved by the clerk, such agency order shall be stayed and superseded, and it shall be lawful to charge the

rates, fares or charges which have been reduced, refused or denied by said agency order, until the final disposition of the cause. The provisions of this subsection shall apply when applicable, anything in Rule 60 of the Alabama Rules of Civil Procedure.

(4) The notice of appeal or review shall be filed within thirty days after the receipt of the notice of or other service of the final decision of the agency upon the petitioner, or, if a rehearing is requested under section 17, within thirty days after the decision thereon. The petition for judicial review in the circuit court shall be filed within thirty days after the filing of the notice of appeal or review. Copies of the petition shall be served upon the agency and all parties of record after the petition is filed with the court. Any party to the agency proceeding may become a party to the review proceedings by notifying the court within thirty days after receipt of the copy of the petition. Any person aggrieved may petition to become a party by filing a motion to intervene as provided in section 14 of this act. Failure to file such petition within the time stated shall operate as a waiver of the right of such person to review under this act, except that for good cause shown, the judge of the reviewing court may extend the time for filing not to exceed an additional thirty days or, within 4 months after the issuance of the agency order, issue an order permitting a review of the agency decision under this act notwithstanding such waiver.

(5) If there has been no hearing prior to agency action and the reviewing court finds that the validity of the action depends upon disputed facts, the court shall order the agency to conduct a prompt fact-finding proceeding under this act after having a reasonable opportunity to reconsider its determination on the record of the proceedings.

(6) Unreasonable delay on the part of an agency in reaching a final decision shall be justification for any person whose rights, duties, or privileges are adversely affected by such delay to seek a court order compelling action by the agency.

(7) Within thirty days after receipt of the notice of appeal, or within such additional time as the court may allow, the agency shall transmit to the reviewing court the original or a certified copy of the entire record and transcript of the proceedings under review. With the permission of the court, the record of the proceedings under review may be shortened by stipulation of all parties to the review proceedings. Any party found by the reviewing court to have unreasonably refused to stipulate to limit the record may be taxed by the court for such additional costs as may be occasioned by the refusal. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(8) The petition for review shall name the agency as respondent and shall contain a concise statement of:

- (a) The nature of the agency action which is the subject of the petition.
- (b) The particular agency action appealed from.
- (c) The facts and law on which jurisdiction and venue are based.
- (d) The grounds on which relief is sought.
- (e) The relief sought.

(9) In proceedings for judicial review of agency action in a contested case, however, a reviewing court shall not itself hear or accept any further evidence with respect to those issues of fact whose determination was entrusted by law to the agency in that contested case proceeding; provided, however, that evidence may be introduced in the reviewing court as to fraud or misconduct of some person engaged in the administration of the agency or procedural irregularities before the agency not shown in the record and the affecting order, ruling or award from which review is sought, proof thereon may be taken in the reviewing court. If, before the date set for hearing a petition for judicial review of agency action in a contested case, it is shown to the satisfaction of the court that additional evidence is material and that there were good reasons for failure to present it in the contested case proceeding before the agency the court may remand to the agency and order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision in the case by reason of the additional evidence and shall file that evidence and any modification, new findings, or decision with the reviewing court and mail copies of the new findings or decision to all parties.

(10) The review shall be conducted by the court without a jury and shall in the review of contested cases be confined to the record and such additions thereto as may be made under subsection (9) of this section. The court, upon request, shall hear oral argument and receive written briefs.

(11) The agency order shall be taken as *prima facie* just and reasonable and the court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact, except where otherwise authorized by statute. The court may affirm the agency action or remand the case to the agency for taking additional testimony and evidence or for further proceedings. The court may reverse or modify the decision or grant other appropriate relief from the agency action, equitable or legal and including declaratory relief, if the court finds that the agency action is due to be set aside or modified under standards set forth in appeal or review statutes applicable to that agency, or where no such statutory standards for judicial review are applicable to the agency, if substantial rights of the petitioner have been prejudiced because the agency action is:

- (a) in violation of constitutional or statutory provisions;
- (b) in excess of the statutory authority of the agency;
- (c) in violation of any pertinent agency rule;
- (d) made upon unlawful procedure;
- (e) affected by other error of law;
- (f) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- (g) unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

(12) Unless the court affirms the decision of the agency, the court shall set out in writing, which writing shall become a part of the record, the reasons for its decision.

§ 21. Appeals.

An aggrieved party may obtain a review of any final judgment of the circuit court under section 20 of this act by appeal to the Court of Civil Appeals, except as provided by statute which authorizes an appeal to the Supreme Court. The appeal shall be taken as in other civil cases, although the appeal may be taken regardless of the amount involved.

§ 22. Joint Committee on Administrative Regulation Review.

(1) There shall be a joint standing legislative committee known as the Joint Committee on Administrative Regulation Review, to review all agency rules. The committee shall consist of the members of the Legislative Council. The Lieutenant Governor shall appoint the chairman in even years and the vice chairman in odd years, and the Speaker of the House shall appoint the chairman in odd years and the vice chairman in even years, from among the committee membership. Vacancies shall be filled by successors elected to the Legislative Council. Members shall serve for the term for which they were elected to office. Members shall serve without additional compensation, but shall be reimbursed for travel expenses to meetings of the Committee.

(2) The Committee shall:

(a) Maintain a continuous review of the statutory authority on which each administrative rule is based and, whenever such authority is eliminated or significantly changed by repeal, amendment, holding by a court of last resort; or other factor, advise the agency concerned of the fact.

(b) Review administrative rules and advise the agencies concerned of its findings.

(c) Have the further duties prescribed in section 23.

(d) Report to the Legislature at least annually, no later than the fifth legislative day of the regular session, and recommend needed legislation or other appropriate action.

§ 23. Committee Review of Proposed Rules.

The notice required by section 5 (1) (a) of this act shall be given, in addition to the persons there named, to the chairman of the legislative committee. The agency shall furnish the committee with ten copies of the proposed rule or rules, and no rule, except an emergency rule issued pursuant to section 5 (2) of this act, shall be effective until these copies are so furnished. Any member of the Senate and House of Representatives who requests a copy of proposed agency rules from the chairman of the Joint Committee on Administrative Regulation Review shall be provided a copy and the agency proposing rules shall furnish additional copies of the proposed rule or rules immediately. The form of the proposed rule presented to the committee shall be as follows: New language shall be in capital letters and language to be deleted shall be enclosed in brackets.

(e) The committee shall determine and report annually to the legislature the total cost to the State allocated to the implementation of this act.

§ 24. Construction.

The Alabama Administrative Procedure Act shall be construed broadly to effectuate its purposes. Except as expressly provided otherwise by this act or by another statute referring to this act by name, the rights created and the requirements imposed by this act shall be in addition to those created or imposed by every other statute in existence on the date of the passage of this

act or thereafter enacted. If any other statute in existence on the date of the passage of this act or thereafter enacted diminishes any right conferred upon a person by this act or diminishes any requirement imposed upon an agency by this act, this act shall take precedence unless the other statute expressly provides that it shall take precedence over all or some specified portion of this named act. Except as to proceedings in process on that date which shall be October 1, 1983, this act shall be construed to apply to all covered agency proceedings and all agency action not expressly exempted by this act or by another statute specifically referring to this act by name.

§ 25. Repeal of Inconsistent Laws.

It is the express intent of the legislature to replace all provisions in statutes of this state relating to rule-making, agency orders, administrative adjudication, or judicial review thereof that are inconsistent with the provisions of this act. Therefore, all laws or parts of laws that conflict with this act are hereby repealed on the effective date of this act. Provided, however, nothing herein contained shall be construed to repeal or modify Act No. 79-277, Acts of Alabama 1979, authorizing the water improvement commission as the state water pollution control agency to issue "one stop permits" for the state for all purposes of the federal Water Pollution Control Act, as amended.

§ 26. Time of Taking Effect.

(1) This act shall take effect at 12:01 a.m., October 1, 1982, provided, however, that section 22 of this act shall take effect October 1, 1981. In order that the Legislative Reference Service may appoint and hire an aid to receive the rules and in order to promulgate the Alabama Administrative Code and the Alabama Administrative Monthly as soon as possible, sections 6(1), 6(2), 7(1), 7(2), 7(3), 7(4), and 7(5) shall also become effective October 1, 1981. It shall be the duty of all agencies in existence on the passage of this act and all agencies created thereafter to cooperate with the office of the Legislative Reference Service in compiling the Alabama Administrative Code and the Alabama Administrative Monthly by submitting to the committee all rules now and hereafter in effect, and all proposed rules.

(2) All existing rules shall be indexed by October 1, 1983, and the administrative code of each agency shall be completed and up-to-date at that time and the Alabama Administrative Code shall be completed and up-to-date by November 15, 1983.

(3) Any rule in effect before 12:01 a.m., October 1, 1983, except those adopted following a public hearing that was required by statute, shall forthwith be reviewed by the agency concerned on the written request of a person substantially affected by the rule involved. The agency concerned shall initiate the rule-making procedures provided by this act within ninety days after receiving such written request. If the agency concerned fails to initiate the rule-making procedures within ninety days, the operation of the rule shall be suspended. The right of review established by this subsection shall be exercisable no earlier than October, 1, 1983.

(4) All rules in effect on the passage of this act and in effect October 1, 1983, shall be valid if validly adopted under procedures prior to those provided by this act; and such rules shall be indexed and published in the administrative code of each agency; provided, however, that in the case of rules not adopted following a public hearing expressly required or permitted by statute, such rules shall be invalid and of no effect on October 1, 1983, unless the agency shall have adopted or readopted said rules pursuant to the requirements of this act.

(5) All contested cases and other adjudicative proceedings conducted pursuant to any provision of the statutes of this state that were begun prior to October 1, 1983, shall be continued to a conclusion, including judicial review, under the provisions of such statutes, except that contested cases and other adjudicative proceedings that have not progressed to the stage of a hearing may, with the consent of all parties and the agency conducting the proceedings, be conducted in accordance with the provisions of this act as nearly as feasible.

§ 27. Severability.

If the provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

And the substitute was adopted.

Yeas 69; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Dial, Dixon, Edwards, Escott, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Letson, Manley, Minus, Moore, Naramore, Olive, Owens, Penry, Rains, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

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Nays: Reps.: Hall and Holley.

—2

CO-SPONSOR ADDED

Rep. Cosby was added as co-sponsor to the bill, H. 7.

AMENDMENT OFFERED

Rep. Owens offered the following amendment to the bill, H. 7, as amended:

On page 3, line 26, after the words Alabama Public Service Commission, delete the period and add the following:

or the Department of Insurance.

AMENDMENT TABLED

On motion of Rep. Campbell, the amendment offered by Rep. Owens to the bill, H. 7, as amended, was tabled.

Yeas 47; Nays 9.

Yeas:

Reps.: Amari, Barton, Bedsole, Boles, Bowling, Brakefield, Campbell, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Greer, Gregg, Hall, Hammett, Harper (T), Horn, Johnson (R. G.), Letson, McMillan, Manley, Minus, Naramore, Olive, Patton, Payne, Rains, Roberts, Seibels, Shoemaker, Smith (C), Starkey, Turner, Turnham, Waggoner, Ward, Whatley, Willis, Wyatt and Zoghby.

—47

Nays:

Reps.: Cabaniss, Grouby, Holley, Johnson (R), Mitchell, Smith (M), Trammell, Venabale and Warren.

—9

MOTION TO ADJOURN LOST

The motion offered by Rep. Manley that the House adjourn until 10:00 o'clock a.m., Thursday, March 5, 1981, was lost.

Yeas 33; Nays 47.

Yeas:

Reps.: Albright, Brakefield, Buskey, Cabaniss, Cates, Clark (G), Cobb, Coburn, Dial, Edwards, Goodwin, Gregg, Hall, Hammett, Harper (O), Holmes, Horn, Johnson (Roy), Kennedy, Laird, Langford, Letson, Manley, Minus, Roberts, Sandusky, Shavers, Shoemaker, Smith (M), Trammell, Turner, Warren and Willis.

—33

Nays:

Reps.: Amari, Barton, Bedsole, Bennett, Boles, Bowling, Campbell, Cheatwood, Cooley, Cosby, Crow, Dixon, Escott, Gafford, Gilmer, Greer, Grouby, Harper (T), Holley, Howard, Johnson (R. G.), Lewis, McMillan, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Riddick, Seibels, Smith (C), Smith (J), Starkey, Stewart, Stout, Turnham, Venable, Waggoner, Ward, Wyatt and Zoghby.

—47

MOTION TO ADJOURN LOST

The motion offered by Rep. Clark (G) that the House adjourn until 10:00 o'clock a.m., Thursday, March 5, 1981, was lost.

Yeas 36; Nays 51.

Yeas:

Mr. Speaker, Albright, Brakefield, Buskey, Cabaniss, Clark (G), Clark (W), Coburn, Cosby, Edwards, Goodwin, Greer, Gregg, Grimsley, Hall, Harper (O), Holmes, Horn, Johnson (Roy), Kelley, Kennedy, Langford, Manley, Minus, Pegues, Penry, Roberts, Sasser, Shavers, Shoemaker, Smith (M), Starkey, Warren, Whatley, Williams and Willis.

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REGULAR SESSION
9th Day

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Nays:

Reps.: Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Campbell, Cheatwood, Cooley, Crow, Dixon, Drinkard, Escott, Ford, Gafford, Gilmer, Grouby, Hammett, Harper (T), Harrison, Harvey, Holley, Howard, Johnson (R. G.), Laird, Letson, Lewis, McKee, McMillan, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Rains, Ray, Riddick, Seibels, Smith (C), Smith (J), Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Wyatt and Zoghby.

—51

H. 7 RESUMED

On motion of Rep. Manley, further consideration of the bill, H. 7 as amended, was postponed to the tenth legislative day.

Yeas 70; Nays 10.

Yeas:

Reps.: Adams (H), Amari, Barton, Bedsole, Bennett, Brakefield, Cabaniss, Campbell, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, Manley, Minus, Moore, Nevett, Owens, Parker, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—70

Nays:

Reps.: Bowling, Cooley, Harrison, Harvey, Letson, McMillan, Naramore, Olive, Patton, and Rains.

—10

REPORT FILED

Pursuant to House Joint Resolution 292, Act No. 80-649, of the Regular Session of the Legislature of 1980, Rep. Greer, Chairman, submitted the report adopted by the Interim Nuclear Power Plants Study Committee, and the report was ordered filed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 11. To amend § 40-18-74, Code of Alabama 1975, to require certain employers to remit to the Department of Revenue on a monthly basis the amount of income tax required to be deducted and withheld from the wages of their employees.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Cates, the House concurred in and adopted the Senate amendment to the bill, H. 11, said Senate amendment being as follows:

Amend House Bill No. 11 Page 3 Line 5, by striking out Section 4 in its entirety and substituting in lieu thereof the following:

"Section 4. This Act shall become effective on July 1, 1981."

Amend H. B. 11 by striking therefrom in its entirety the House Amendment as follows:

"Section 4. This Act shall become effective on the first day of the next quarter of the state fiscal year that commences after passage of this act."

Yeas 78; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (T), Harrison, Harvey, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Zoghby.

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Nays: Reps.: Boles, Gregg, Holmes and Wyatt.

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And the bill, H. 11 as thus amended, was again read at length and passed.

Yeas 85; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—85

Nays: Reps.: Gregg and Payne.

—2

BILLS ON THIRD READING RESUMED

And the bill:

H. 118. To repeal Section 12-15-67 of the Code of Alabama 1975 relating to the use of statements of children made during legal custody prior to a determination or conviction.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 2.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Larid, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turnham, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

Nays: Reps.: Holley and Smith (M).

—2

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:45 P.M. on March 4, 1981.

H. J. R. 40

H. J. R. 110

H. J. R. 111

H. J. R. 113

H. J. R. 117

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Johnson (R), and pursuant to the resolution, H. R. 118, hereto fore adopted the House adjourned until 10.00 o'clock a.m., Thursday, March 5, 1981.

Yeas 59; Nays 26.

Yeas:

Mr. Speaker, Adams (H), Albright, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Clark (G), Clark (W), Coburn, Cosby, Dial, Dixon, Edwards, Escott, Gafford, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harrison, Harvey, Holmes, Horn, Johnson (Roy), Kelley, Kennedy, Laird, Letson, Manley, Minus, Moore, Nevett, Owens, Patton, Pegues, Penry, Ray, Roberts, Sasser, Shavers, Shoemaker, Starkey, Stout, Trammell, Waggoner, Whatley, Williams and Willis.

—59

Nays:

Reps.: Amari, Barton, Bennett, Cooley, Crow, Grouby, Harper (T), Holley, Howard, Lewis, McKee, McMillan, Naramore, Olive, Parker, Payne, Rains, Seibels, Smith (C), Smith (J), Smith (M), Stewart, Turnham, Venable, Wyatt and Zoghby.

—26

TENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 5, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Joseph G. Hancock, Pastor, First Baptist Church, Jackson, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—102

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the ninth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the ninth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Roberts, leave of absence was granted for Rep. Carter due to illness in the family.

At the request of Rep. McMillan, leave of absence was granted for Rep. Hines.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 127. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, March 5, 1981, we adjourn to meet again on Tuesday, March 17, 1981, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 127, was adopted.

BILLS ON SECOND READING

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 356. Relating to the Twenty-seventh Judicial Circuit; to provide an expense and automobile allowance of \$300.00 per month to the District Attorney of said Judicial Circuit.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 360. (With Substitute): To provide that any person convicted of rape upon a person twelve years of age or younger shall be sentenced to life imprisonment without parole.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 514. To provide that owners of motor vehicles that are leased to other persons shall not be liable for parking violations when the vehicles are not in their possession and provides that said lessors shall notify the clerk of the proper court with the name and address of the lessee.

H. 515. To amend Section 22-14-16 of the Code of Alabama 1975, relating to the prohibition of storing, depositing or dumping nuclear spent fuel or other radioactive waste which is generated outside Alabama, so as to provide for the exception of such material or waste used in Alabama.

H. 422. To permit garnishment of up to forty percent (40%) of wages for child support and to make technical procedural changes.

H. 423. To Amend Section 26-12-7, of the Code of Alabama 1975, so as to change the time limitation within which proceedings may be brought under this Act.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 530. (With Substitute): To amend Section 5-2-120, Code of Alabama 1975, which provides for the appointment of the credit union board of the bureau of credit unions and to amend Section 5-2-121 which provides for meetings of the credit union board of the bureau of credit unions.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 331. To amend Section 2-8-9 and repeal Section 2-8-14 of the Code of Alabama 1975 providing for a promotional program for the production, marketing, use and sale of cattle so as to further provide for the length of the period of assessment after a referendum on that subject and to repeal provisions providing for an election by cattle owners not to pay an assessment.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 521. To provide that the county commissions of the various counties in the state may cover or fill certain abandoned wells on private property.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 596. (With Amendment): To provide a procedure in all Class 5 municipalities for filling vacancies, unless otherwise provided by local law, occurring in the governing bodies of such municipalities; to provide for special elections in certain circumstances; and to provide that this procedure shall apply to any vacancies existing as of the effective date of this Act.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 613. Relating to Clarke County; providing for an additional expense allowance for members of the Board of Education.

H. 616. Relating to Jackson County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

H. 617. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Langston in Jackson County.

H. 618. To amend Section 1 of Act No. 179, H. 976, 1979 Regular Session (Acts 1979, p. 289), entitled "An Act Relating to Washington County; to provide an expense allowance to the circuit clerk and for the adjustment of such allowance," so as to provide further for the expense allowances of said circuit clerk and to provide for its retroactive effect.

S. 101. Relating to Talladega County; to amend further Act No. 79-592, H. 948, 1979 Regular Session (Acts 1979, p. 1051), entitled, "An act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to provide for financing of juvenile justice and law enforcement, by increasing the costs and charges of Court.

H. 575. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year; to provide that the first fee schedule shall also be the fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

S. 318. Relating to Lee County; levying an additional ad valorem tax in the City of Auburn to be used for educational purposes and providing for a referendum.

SUPREME COURT OPINION

The Supreme Court Advisory Opinion relative to House Bill 465, requested by Rep. Arthur Payne, House Resolution 76, was received and ordered filed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 126. COMMENDING REPRESENTATIVE JAMES G. SASSER.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 128. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, continuing, and paramount order of business March 5, 1981, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

BE IT FURTHER RESOLVED, That at the time required by law to consider the Sunset Bills, they shall be considered in the following order.

By Rep. Manley:

H. 92 p. 70 STATE BOARD OF BAR EXAMINERS

By Rep. Pegues:

H. 93 p. 70 BOARD OF DENTAL SCHOLARSHIP AWARDS

By Rep. Manley:

H. 94 p. 71 BOARD OF MEDICAL SCHOLARSHIP AWARDS

By Rep. Hammett:

H. 95 p. 71 STATE PILOTAGE COMMISSION

By Rep. Cosby:

H. 96 p. 72 STATE REAL ESTATE COMMISSION

By Rep. Dial:

H. 97 p. 72 ALABAMA BOARD OF AUCTIONEERS

By Rep. Whatley:

H. 98 p. 73 BOARD OF FUNERAL SERVICES

By Rep. Manley:

H. 99 p. 74 BOARD OF EXAMINERS OF MINE PERSONNEL

By Rep. Pegues:

H. 100 p. 75 BOARD OF POLYGRAPH EXAMINERS

By Rep. Dial:

H. 101 p. 104 EXAMINING BOARD FOR PROFESSIONAL ENTOMOLOGISTS, HORTICULTURISTS, FLORICULTURISTS AND TREE SURGEONS

By Rep. Hammett:

H. 102 p. 105 BOARD OF VETERINARY MEDICAL EXAMINERS

By Rep. Dial:

H. 103 p. 76 BOARD OF SPEECH PATHOLOGY & AUDIOLOGY

By Rep. Whatley:

H. 104 p. 106 BOARD OF COSMETOLOGY

By Rep. Pegues:

H. 105 p. 77 BOARD OF REGISTRATION FOR SANITARIANS

By Rep. Cosby:

H. 106 p. 78 BOARD OF SOCIAL WORK EXAMINERS

By Rep. Hammett:

H. 107 p. 78 ALABAMA YACHT CLUB ASSOCIATION

By Rep. Whatley:

H. 108 p. 79 SOCIAL SECURITY AGENCY/ADVISORY BOARD

On motion of Rep. Biddle, the resolution, H. R. 128, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 69. MEMORIALIZING THE UNITED STATES CONGRESS TO CONSENT TO ALABAMA AND THE VARIOUS STATES ENTERING INTO REGIONAL COMPACTS OR AGREEMENTS TO RESOLVE PROBLEMS RELATED TO LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.

On motion of Rep. Harrison, consideration of the resolution, H. J. R. 69, was postponed to the eleventh legislative day.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 11. To amend § 40-18-74, Code of Alabama 1975, to require certain employers to remit to the Department of Revenue on a monthly basis the amount of income tax required to be deducted and withheld from the wages of their employees.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 126. COMMENDING REPRESENTATIVE JAMES G. SASSER.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Sasser:

H. R. 129. COMMENDING AEA ON HAVING THE REVEREND JESSE JACKSON AS ITS PRINCIPAL OPENING DAY SPEAKER ON TUESDAY, MARCH 10, 1981.

WHEREAS, the AEA will have as its principal speaker for the opening day address at its annual meeting in Birmingham, the Reverend Jesse Jackson; and

WHEREAS, in 1978, the Reverend Jesse Jackson hired as his foreign policy advisor Hunter O'Dell, a Communist Party organizer in New Orleans, Louisiana; and

WHEREAS, in 1979, the Reverend Jesse Jackson stated that capitalism is a "bad system"; and

WHEREAS, the Reverend Jackson claims as one of his friends black panther leader Harvey Newton, who has been indicted for murder; and

WHEREAS, in October 1980, the Atlanta Constitution newspaper identified the Reverend Jesse Jackson as a special Libyan oil broker, along with Billy Carter. This information was verified as having been obtained from a highly classified message from CIA Director Stanfield Turner to President Carter's National Security Advisor Brezhenski.

The Reverend Jackson was to represent Libya's Dictator Kadaffi who has financed international terrorists organizations trained by Cubans, East German and Soviet Union Intelligence organizations; and

WHEREAS, these terrorist organizations have been responsible for the murder of many Jewish and other peoples throughout the world; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we wish to commend Doctor Paul Hubbert and the other leaders of the AEA for securing such a fine and outstanding speaker to address the teachers of this State who are responsible for molding the minds and guiding the youth of Alabama.

BE IT FURTHER RESOLVED, That the Clerk of the House present a copy of this Resolution to Dr. Paul Hubbert as a token of the House's great interest in his having obtained this speaker for the AEA Annual Convention.

The resolution, H. R. 129, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Gafford:

H. J. R. 130. MEMORALIZING THE CONGRESS TO INVESTIGATE THE MENACE TO PUBLIC WELFARE POSED BY CONGLOMERATES OF NEWSPAPERS AND RADIO AND TELEVISION STATIONS.

WHEREAS, when the first amendment to the constitution of the United States was adopted, newspapers were locally owned, and operated by those who were motivated by concern for the citizens of their communities; and

WHEREAS, with the advent of radio, followed by television, local ownership was still prevalent with its local management adhering to a policy of fair treatment to all and responsible reporting of the news; and

WHEREAS, with the present day trend toward conglomerates, large corporations have amassed huge chains of newspapers and radio and television stations; these absentee owners, regrettably, are interested only in espousing their own corporate views, editorializing in pomposity and self-righteous sanctity; and

WHEREAS, it is the consensus of this legislature that the continued existence of such media conglomerates is tantamount to a monopoly and a mass management of the news disseminated to the American public which is biased and totally unreliable in its accuracy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby memorialize the Congress of the United States to investigate the media conglomerates in this country and to take whatever steps necessary to bring an end to corporate controlled news and programing throughout the United States.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to send copies of this resolution to the presiding officers of both houses of Congress, with copies also sent to each member of the Alabama Congressional Delegation in Washington, D. C.

The resolution, H. J. R. 130, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 116. NAMING THE ATTALLA, ALABAMA, RECREATION BUILDING THE "WILLIE CARNES RECREATION BUILDING."

On motion of Rep. Biddle, the resolution, H. J. R. 116, was adopted.

Also:

H. J. R. 120. HONORING THE ACCOMPLISHMENTS OF THE DALEVILLE HIGH SCHOOL'S FEMALE ATHLETES.

On motion of Rep. Biddle, the resolution, H. J. R. 120, was adopted.

Also:

S. J. R. 52. PERMITTING THE JOINT INTERIM COMMITTEE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION TO REPORT ON THE TENTH LEGISLATIVE DAY RATHER THAN THE SIXTH.

On motion of Rep. Biddle, the resolution, S. J. R. 52, was adopted.

MOTION IN WRITING

Rep. Pegues filed the following Motion in Writing:

At the next Legislative Day, a motion will be made to adopt the following Rule Change:

The Rules of the House of Representatives are hereby amended to read as follows:

Rule 1. The doorkeeper shall on meeting days, one hour before the session begins, clear the House of all persons not entitled to the floor. The doors of the House shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of the House while the same is in session, except members of the Legislature, the officers and employees of the two Houses, the Governor and his secretary, the Chief Examiner and employees of the Department of Examiners of Public Accounts, representatives of the press who shall be placed by the Clerk of the House, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor; provided, however, that on the first legislative day of any regular or special session the families of the members of the House shall have the privilege of the floor, for that legislative day only.

(1) When former members are on the floor of the House, they shall not be engaged in any lobbying activities.

(2) For the purpose of this Rule, "press" means news gathering media or general news and not any trade or association.

(3) This rule shall be enforced by the Clerk of the House with or without the suggestion of any member of the House.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Sasser:

H. 640. To amend Section 16-13-71 of the CODE OF ALABAMA 1975 so as to provide that (a) warrants issued pursuant to Article 4 of Chapter 13 of Title 16 may bear rate or rates of interest not exceeding twelve percent per annum, (b) no warrants may be sold pursuant to such Article at a price which would yield more than twelve percent, and (c) warrants payable out of the proceeds of any privilege, license or excise tax or taxes may have a maturity or maturities not exceeding 40 years from their date.

Ways and Means.

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 641. Relating to Henry County; providing further for the salary of the county superintendent of education and providing for an effective date.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 641, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 642. Relating to Henry County; providing further for the expense allowance of the members of the county board of education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 642, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Sasser and Grimsley (With Notice and Proof):

H. 643. Relating to Henry County; providing for an expense allowance for the county superintendent of education; repealing Act No. 1169, H. 1854, Regular Session 1971 (Acts 1971, p. 2026); and providing for its retroactive effect.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 643, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Roberts:

H. 644. To propose an amendment to the Constitution of Alabama providing for and regulating the length of regular biennial sessions of the legislature.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Waggoner:

H. 645. To regulate further the real estate business in Alabama. It amends certain sections of the Code in order to further regulate the licensing of persons engaged in the real estate business in this state and to increase certain fees and charges in relation to transfer of a license and examinations.

State Administration.

By Reps. Parker, Venable, Stewart and Clark (W):

H. 646. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this act.

State Administration.

By Reps. Daniels, Hammett, Ray, Harvey, Penry, McMillan, Letson, Wyatt, Reed, Adams (C), Bowling and Grimsley:

H. 647. Relating to the reorganization and structure of the Public Service Commission; relating to the further regulation of public utilities; defining terms; providing further for the public utilities generally, their rates, services and operations; creating the office of director of the Public Staff Agency, defining his duties, powers, jurisdiction and benefits; creating the Public Staff Agency; prescribing the powers, duties, and jurisdiction for such agency; providing for its personnel, their duties as consumer advocates, authority, compensation and benefits; providing that the commissioners shall be physically separated from the agency; prescribing the manner and procedures for hearings and appeals; providing for judicial procedures, keeping of records and reporting; providing for the duties and powers of the commissioners as these relate to public utilities; providing for administering of oaths; granting the jurisdiction and powers of a court of general jurisdiction for certain agency staff and the commissioners; providing for exceptions to orders; prescribing evidentiary procedures and matters for stipulation; prohibiting certain communications and contacts; providing responsibility for burden of proof; transferring all functions, duties, jurisdiction, authority, property, funds, documents, files, of whatsoever nature in the office of the Attorney General, relating to public utilities, pursuant to Sections 37-1-16 through 37-1-18 of the Code of Alabama 1975 to the Public Staff Agency; creating the Legislative Oversight Committee on Utilities, prescribing its membership, duties and jurisdiction; prescribing for the selection and appointment of the director and chief hearing examiner; amending Sections 37-1-5, 37-1-31, 37-1-32, 37-1-38, 37-1-39, 37-1-40, 37-1-41, 37-1-42, 37-1-43 and 37-1-44 of the Code of Alabama 1975, so as to include the director or agency, as the case may be; restoring criminal penalties for intentionally misleading a public servant and falsification; preserving rights and laws not affected by the reorganization; providing the provisions of this Act are cumulative except where it is in conflict or inconsistent; providing for severability and effective date.

Commerce, Transportation,
and Utilities.

By Rep. Johnson (R. G.) (With Notice and Proof):

H. 648. Relating to Coosa County; enunciating legislative intent; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 648, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (R. G.) (With Notice and Proof):

H. 649. Relating to Coosa County; providing further for the issuance of pistol permits by the sheriff, the fees therefor and the use of such fees; repealing specifically Act No. 121, H. 22 of the 1971 Regular Session (Acts 1971, p. 204), as amended, entitled, "An Act Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census; fixing the fees for issuance of pistol permits by the sheriff and providing for distribution and use of such fees," and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 649, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Johnson (R. G.) (With Notice and Proof):

H. 650. To provide that the county commission of Coosa County shall pay all deputy sheriffs a starting salary of \$900.00 per month. The chief deputy shall be entitled to a salary of not less than \$75.00 per month more than a deputy. A sergeant will draw \$30.00 per month more than a deputy.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 650, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Biddle:

H. 651. Prohibiting any public water supply system, operating from the site of its principal place of business in one county from charging customers in one municipality, or in any unincorporated area within any county at a higher rate than customers in any other municipality or unincorporated area within the county of its principal place of business; and prescribing penalties for violations.

State Administration.

By Reps. McKee, Grouby, Wyatt, Langford and Venable:

H. 652. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

Ways and Means.

By Reps. Zoghby, McKee, Wyatt, Langford, Turner, Bedsole, Harper (T), Kennedy, Clark (W), Waggoner, Bennett, Biddle, Amari, Cabaniss, Payne, Seibels and Smith (J):

H. 653. To amend Section 23-1-5 of the Code of Alabama 1975 relating to payment of costs of relocation of utility facilities necessitated by construction of federal assisted highways so as to include those utilities that provide water or sewer services to the public with those utilities that are entitled to

reimbursement from the state for relocation of utility facilities necessitated by highway construction other than the highways that are a part of the national system of interstate and defense highways.

Ways and Means.

MINORITY REPORT FILED

Pursuant to House Joint Resolution 106, Act No. 80-119, Regular Session of the Legislature of 1980, Rep. Gene Daniels, Chairman, submitted the minority report of the Interim Committee—Public Service Commission, and the report was ordered filed.

The committee did not meet for final approval of proposed legislation.

BILLS ON THIRD READING

And the bill:

H. 438. To authorize the Dale County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Barton, Biddle, Bowling, Brakefield, Clark (G), Clark (W), Cobb, Edwards, Gafford, Gilmer, Grimsley, Hammett, Harper (O), Harvey, Horn, Howard, Kelley, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Penry, Rains, Ray, Roberts, Stewart, Trammell, Ward, Williams, Willis and Zoghby.

—37

Nay: Rep. Cheatwood.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 567. Relating to Marion County; to provide for additional per diem payments to each member of the Board of Equalization.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Barton, Biddle, Blake, Bowling, Brakefield, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Edwards, Gafford, Gilmer, Grimsley, Hammett,

Harper (O), Harvey, Horn, Howard, Kelley, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Penry, Rains, Ray, Roberts, Seibels, Smith (C), Stewart, Trammell, Ward, Willis, Wyatt and Zoghby.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 574. Relating to Blount County; providing an expense allowance for certain county officers and providing an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bowling, Brakefield, Clark (G), Clark (W), Cobb, Crow, Edwards, Gilmer, Grimsley, Hammett, Harvey, Holmes, Horn, Howard, Kelley, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Seibels, Smith (C), Stewart, Trammell, Turner, Willis and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 6. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Baldwin County.

Was read a third time at length and passed.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Dial, Dixon, Edwards, Gafford, Gilmer, Grimsley, Hammett, Harper (O), Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Roberts, Seibels, Shoemaker, Smith (C), Stewart, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

And the bill:

S. 110. Relating to Etowah County; setting the compensation of supernumerary district attorneys and providing for a supplement from the general funds of such county under certain circumstances.

Was read a third time at length and passed.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Bowling, Brakefield, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Drinkard, Edwards, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Kelley, Langford, Letson, McMillan, Manley, Minus, Mitchell, Moore, Olive, Parker, Pegues, Rains, Ray, Roberts, Stewart, Trammell, Turner, Williams, Willis, Wyatt and Zoghby.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 165. Relating to Etowah County; providing further for mileage allowance for returning officers; providing for the payments of such mileage to be made from funds in the county treasury not otherwise appropriated, or in the case of municipal elections, such payments shall be made from municipal funds by the municipal governing body.

Was read a third time at length and passed.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Bowling, Brakefield, Carothers, Cates, Cheatwood, Clark (G), Cobb, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harvey, Holmes, Horn, Howard, Kelley, Langford, Letson, McKee, McMillan, Minus, Mitchell, Moore, Olive, Owens, Parker, Penry, Rains, Ray, Seibels, Stewart, Trammell, Turner, Venable, Williams, Willis, Wyatt and Zoghby.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 92. Relating to the continued existence and functioning of the State Board of Bar Examiners provided for in Sections 34-3-1 through 34-3-108 of the Code of Alabama 1975, as amended, specifically in Sections 34-3-2 and 34-3-40.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Kelley, Langford, Letson, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Smith (C), Stewart, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—62

And the bill:

H. 93. Relating to the continued existence and functioning of the Board of Dental Scholarship Awards provided for in Sections 16-47-76 through 16-47-81 of the Code of Alabama 1975, and as otherwise provided by law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Holmes, Johnson (R. G.), Kelley, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—71

And the bill:

H. 94. Relating to the continued existence and function of the Board of Medical Scholarship Awards provided for in Sections 16-47-121 through 16-47-129 of the Code of Alabama 1975, and as otherwise provided by law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Holmes, Johnson (R. G.), Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Penry, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shavers, Smith (C), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—66

And the bill:

H. 95. Relating to the continued existence and functioning of the State Pilotage Commission provided for in Sections 33-4-1 through 33-4-57 of the Code of Alabama 1975, and as otherwise provided by law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Holmes, Kelley, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Olive, Owens, Parker, Patton, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (C), Stewart, Trammell, Turner, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—66

And the bill:

H. 96. Relating to the continued existence and functioning of the State Real Estate Commission provided for in Sections 34-27-1 through 34-27-38 of the Code of Alabama 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Hammett, Harper (O), Harvey, Holley, Holmes, Johnson (R. G.), Kennedy, Langford, Letson, Lewis, McMillan, Manley, Mitchell, Moore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (C), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Williams, Willis, Wyatt and Zoghby.

—67

And the bill:

H. 97. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$100.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure; remove quasi-judicial status and civil immunity status from the board; and require all members of the board to be licensed auctioneers.

Was taken up.

AMENDMENT OFFERED

Rep. Minus offered the following amendment to the bill, H. 97:

On page 1, in the title on lines 32 and 33 delete the following:

; remove quasi-judicial status and civil immunity status from the board;

On page 9, in Section 4 delete lines 10 through 14 in their entirety and substitute in lieu thereof:

"The state board of auctioneers is declared to be a quasi judicial body, and the members or its employees thereof are granted immunity from civil liability when acting in good faith and in the performance of their duties as described in this chapter."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 4.

Yeas:

Reps.: Bedsole, Bennett, Blake, Boles, Cabaniss, Carothers, Cheatwood, Clark (G), Cosby, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Grouby, Harper (O), Harper (T), Harvey, Holmes, Horn, Kennedy, Laird, Letson, McMillan, Manley, Minus, Mitchell, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Turner, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—54

Nays: Reps.: Barton, Brakefield, Dixon and Hammett.

—4

AMENDMENT OFFERED

Rep. Harrison offered the following amendment to the bill, H. 97 as amended:

Amend H. B. 97, Section , Page 9, Line 18 by striking the word(s) all of whom shall be licensed auctioneers and inserting in lieu thereof, the following: three of whom shall be licensed auctioneers, to begin at the next time for appointment.

MOTION TO TABLE LOST

The motion offered by Rep. Carothers to table the amendment offered by Rep. Harrison to the bill, H. 97 as amended, was lost.

Yeas 26; Nays 38.

Yeas:

Mr. Speaker, Albright, Cabaniss, Carothers, Clark (G), Cosby, Daniels, Edwards, Grimsley, Grouby, Kelley, Laird, Letson, Lewis, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Roberts, Sasser, Stout, Williams and Willis.

—26

Nays:

Reps.: Adams (C), Bennett, Blake, Boles, Brakefield, Buskey, Clark (W), Coburn, Dixon, Escott, Gregg, Hall, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Kennedy, Langford, McKee, McMillan, Payne, Pegues, Penry, Rains, Reed, Riddick, Seibels, Smith (C), Stewart, Trammell, Turner, Whatley, Wyatt and Zoghby.

—38

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Harrison to the bill, H. 97 as amended, and the amendment was adopted.

Yeas 47; Nays 26.

Yeas:

Reps.: Adams (C), Bedsole, Bennett, Blake, Boles, Brakefield, Buskey, Cabaniss, Clark (W), Cobb, Coburn, Cosby, Dixon, Escott, Gilmer, Gregg, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Jackson, Kennedy, Laird, Langford, Letson, McKee, McMillan, Naramore, Parker, Payne, Penry, Rains, Reed, Riddick, Roberts, Seibels, Smith (C), Stewart, Stout, Trammell, Turner, Whatley, Wyatt and Zoghby.

—47

Nays:

Mr. Speaker, Albright, Amari, Carothers, Clark (G), Crow, Daniels, Edwards, Gafford, Grimsley, Grouby, Hall, Kelley, Lewis, Manley, Minus, Mitchell, Moore, Olive, Owens, Patton, Sasser, Starkey, Waggoner, Williams and Willis.

—26

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 97 as amended:

Amend House Bill 97, Page 4, Line 36 by adding the following language after "\$25.00."

Provided, however, that the license fees may not be increased more than \$10.00 in any given year.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Parker, Patton, Payne, Pegues, Penry, Rains, Riddick, Roberts, Sasser, Seibels, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Ward, Whatley, Willis, Wyatt and Zoghby.

—74

And the bill:

H. 97. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-4-21, 34-4-24, 34-4-25, 34-4-30 and 34-4-50 of the Code of Alabama 1975 so as to provide for a \$50.00 fee from applicants under reciprocal agreements; authorize the board to raise license fees up to \$100.00; increase surety bond amounts from \$1,000.00 to \$10,000.00; provide further for the licensing requirements of non-residents; remove subpoena power from the board in hearings procedure and require all members of the board to be licensed auctioneers.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Gregg, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Riddick, Roberts, Sasser, Seibels, Starkey, Stewart, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

Nay: Rep. Albright.

—1

And the bill:

H. 98. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Services as provided in Sections 34-13-1 through 34-13-134 and Sections 34-13-150 through 34-13-152 of the Code of Alabama 1975, as amended, with

certain modifications; to amend Sections 34-13-4, 34-13-10, 34-13-23, 34-13-28, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131; and to repeal Section 34-13-30 of the Code of Alabama 1975 so as to: Eliminate the requirement of the board to distribute statutes and regulations each four years and instead distribute only upon request; declare certain violations as misdemeanors and allow appropriate prosecution; provide further clarification concerning travel expenses of the board; require annual reporting to the Governor and to the Legislature instead of to the Secretary of State; authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; distribute directory of licensees only on request instead of annually; allow board to increase annual renewal fees for funeral directors and embalmers up to \$25.00 and up to \$100.00 for operators; provide penalties of up to \$25.00 for lapsed licenses; allow board to increase application fees for funeral directors and embalmers up to \$100.00; require board to charge \$15.00 for second or subsequent inspections of prospective licensed establishments; allow board to increase application fee for funeral establishments up to \$300.00; lower minimum age and educational requirements for funeral director or embalmer apprentices; allow board to increase apprentice fees up to \$20.00; require apprentice time to be supervised; and to repeal a provision of law which transferred funds to the board from its predecessor board, the purpose of which has been served.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Sunset, said committee amendment being as follows:

Amend House Bill 98, in the Title, Page 2, Line 11, after the word "charge" by striking \$15.00 and inserting in lieu thereof \$75.00.

Further amend the bill, in Section 4, Page 10, at the beginning of Line 18, by striking \$15.00 and inserting in lieu thereof \$75.00.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 59; Nays 2.

Yeas:

Mr. Speaker, Albright, Amari, Bedsole, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Grimsley, Grouby, Hall, Harper (T), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Riddick, Roberts, Sasser, Seibels, Shoemaker, Starkey, Stewart, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—59

Nays: Reps. Adams (C) and Smith (C).

—2

AMENDMENT OFFERED

Rep. Whatley offered the following amendment to the bill, H. 98 as amended:

Amend House Bill 98, Section 4, Page 8, Line 18, after the figure "\$50.00" by inserting shall be

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Bedsole, Blake, Brakefield, Cabaniss, Carothers, Cheatwood, Cobb, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (T), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—60

H. 98 TEMPORARILY POSTPONED

On motion of Rep. Dixon, the bill, H. 98 as amended, was temporarily postponed.

Yeas 41; Nays 23.

Yeas:

Reps.: Adams (C), Albright, Bedsole, Blake, Buskey, Cabaniss, Clark (W), Cooley, Crow, Dixon, Edwards, Escott, Gilmer, Goodwin, Gregg, Hall, Harrison, Holmes, Horn, Howard, Jackson, Kelley, Langford, McKee, McMillan, Minus, Parker, Payne, Rains, Reed, Riddick, Sasser, Seibels, Smith (C), Starkey, Stewart, Trammell, Turner, Ward, Williams and Willis.

—41

Nays:

Reps.: Amari, Barton, Boles, Cheatwood, Clark (G), Cobb, Cosby, Dial, Gafford, Grouby, Hammett, Holley, Lewis, Manley, Mitchell, Naramore, Pegues, Penry, Ray, Roberts, Shoemaker, Whatley and Wyatt.

—23

And the bill:

H. 99. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners of Mine Personnel as provided in Sections 25-9-9 through 25-9-18, Code of Alabama 1975, as amended, with certain modifications; to amend Sections 25-9-9 and 25-9-10 of the Code of Alabama 1975, so as to: Authorize the board to increase examination fees not to exceed \$60.00; and to authorize per diem for board members up to the maximum allowed for state employees.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Sunset, said committee amendment being as follows:

Amend House Bill 99, Page 1, in the Title, line 27, after the word "exceed" by striking \$60.00 and inserting in lieu thereof \$20.00.

Further amend the bill, Section 1, Page 3, line 22, after the word "exceed" by striking \$60.00 and inserting in lieu thereof \$20.00.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 53; Nays 6.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Biddle, Boles, Cabaniss, Carothers, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Dial, Drinkard, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Holley, Holmes, Johnson (R. G.), Langford, Lewis, McKee, McMillan, Manley, Minus, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Ward, Whatley, Williams and Wyatt.

—53

Nays: Reps.: Brakefield, Hall, Harrison, Kelley, Naramore and Rains. —6

And the bill:

H. 99. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners of Mine Personnel as provided in Sections 25-9-9 through 25-9-18, Code of Alabama 1975, as amended, with certain modifications; to amend Sections 25-9-9 and 25-9-10 of the Code of Alabama 1975, so as to: Authorize the board to increase examination fees not to exceed \$20.00; and to authorize per diem for board members up to the maximum allowed for state employees.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Biddle, Boles, Brakefield, Cabaniss, Carothers, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Gafford, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Ward, Whatley, Williams and Wyatt.

—69

Nays: Reps.: Coburn and Harrison. —2

And the bill:

H. 100. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Polygraph Examiners as provided in Sections 34-25-1 through 34-25-36 of the Code of Alabama 1975,

as amended, with certain modifications; to amend Sections 34-25-4, 34-25-5, 34-25-20, 34-25-21, 34-25-24, and 34-25-29, Code of Alabama 1975; and to repeal Section 34-25-3 of the Code of Alabama 1975, so as to: Eliminate the requirement that appointees to the board be approved by the senate; remove the board's authority to set travel and expense allowances; authorize the board to set salaries of its employees and hire temporary investigatory employees; provide further for the collection and use of fees of the board; provide for \$50.00 per day plus mileage allowance for board members when meeting; provide same mileage and per diem travel expenses for board members as are paid to state employees; authorize board to determine which expenses of the board are necessary, subject to state bid law; provide board's purchases may be made through state finance department purchasing agency; exempt board from payment of state sales tax; lower age requirement for examiners from 25 to 21; alter the baccalaureate requirement of examiners; to place board on same fiscal year as the state; and to repeal Section 34-25-3, Code of Alabama 1975, which prescribes the type of instrument examiners must use.

Was taken up.

AMENDMENT OFFERED

Rep. Pegues offered the following amendment to the bill, H. 100:

Amend House Bill 100, in the Title, Line 27, after the word "Section" by deleting 34-25-3 and inserting in lieu thereof 34-25-31.

Further amend the bill, Section 4, Page 5, by striking Lines 21 through 24 in their entirety and inserting in lieu thereof the following:

"(b) It shall be unlawful for any person, including city, county or state employees, to administer polygraph examinations utilizing any device or instrumentation which does not comply with section 34-25-3."

Further amend the bill, Section 5, Page 8, Line 7, after the word "Section" by deleting 34-25-3 and inserting in lieu thereof 34-25-31.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Howard, Johnson (R. G.), Kelley, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Naramore, Olive, Parker, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Trammell, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

And the bill:

H. 100. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Polygraph Examiners as provided in Sections 34-25-1 through 34-25-36 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-25-4, 34-25-5, 34-25-20, 34-25-21, 34-25-24, and 34-25-29, Code of Alabama 1975; and to repeal Section 34-25-31 of the Code of Alabama 1975, so as to: Eliminate the requirement that appointees to the board be approved by the senate; remove the board's authority to set travel and expense allowances; authorize the board to set salaries of its employees and hire temporary investigatory employees; provide further for the collection and use of fees of the board; provide for \$50.00 per day plus mileage allowance for board members when meeting; provide same mileage and per diem travel expenses for board members as are paid to state employees; authorize board to determine which expenses of the board are necessary, subject to state bid law; provide board's purchases may be made through state finance department purchasing agency; exempt board from payment of state sales tax; lower age requirement for examiners from 25 to 21; alter the baccalaureate requirement of examiners; to place board on same fiscal year as the state; and to repeal Section 34-25-3, Code of Alabama 1975, which prescribes the type of instrument examiners must use.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—74

And the bill:

H. 101. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons as provided in Section 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 2-28-1, 2-28-4, 2-28-7, 2-28-8 and 2-28-10 of the Code of Alabama 1975 so as to: delete the definition of "suboffice"; authorize a fee for each examination given by the board; to authorize the denial or revocation of certificates or licenses of individuals regulated by the board; to authorize the board to provide for reciprocal agreements with other states; and increase existing bond coverage and provide for insurance for products liability for licensees of the board.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Sunset, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the continued existence and functioning of the Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons provided for in Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons and voted to recommend the said board, created and functioning pursuant to Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, and hereby recommends the continuance of the said agency and all provisions of law pertaining thereto.

Sections 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, relating to the Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons are hereby continued.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Langford, Letson, Lewis, McMillan, Manley, Minus, Namore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Venable, Ward, Whatley, Williams, Willis and Wyatt.

And the bill:

H. 101. Relating to the continued existence and functioning of the Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons provided for in Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, and as otherwise provided by law.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Langford, Letson, Lewis, McMillan, Manley, Minus, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Stout, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—73

And the bill:

H. 102. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-4, 34-29-20, 34-29-41, and 34-29-45 of the Code of Alabama 1975, so as to: limit board members to two terms; and authorize the board to increase the following fees: (1) examination fee for veterinarians, not to exceed \$50.00; (2) annual renewal fees for veterinarians, not to exceed \$25.00; (3) examination fee for animal technicians, not to exceed \$25.00; and (4) annual renewal fees for animal technicians, not to exceed \$15.00.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Sunset, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41, and 34-29-45 of the Code of Alabama 1975, so as to: limit board members to two terms; authorize the board to increase the following fees: (1) examination fee for veterinarians, not to exceed \$50.00; (2) annual renewal fees for veterinarians, not to exceed \$25.00; (3) examination fee for animal technicians, not to exceed \$25.00; and (4) annual renewal fees for animal technicians, not to exceed \$15.00; and to provide further for the compensation of board members.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Veterinary Medical Examiners, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-29-1 through 34-29-46, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Board of Veterinary Medical Examiners created and functioning pursuant to Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41 and 34-29-45 of the Code of Alabama 1975 are hereby amended to read as follows:

" § 34-29-4. The Alabama state board of veterinary medical examiners may establish qualifications and rules and regulations for the examination and registration of animal technicians, which animal technicians shall be defined as persons other than a veterinarian who perform those acts which require limited skill, responsibility and a minimal exercise of independent judgment in the treatment of patients of veterinarians and under the direct and immediate supervision of veterinarians.

"Any veterinarian who is legally qualified to practice in the state of Alabama may be issued a permit by the Alabama state board of veterinary medical examiners to employ animal technicians under such terms and conditions as may be proposed by the said Alabama state board of veterinary medical examiners. Anyone who employs an animal technician must make an application to the Alabama state board of veterinary medical examiners for a permit to employ a specific person whose name, together with such other information as may be desired, shall be furnished to the said Alabama state board of veterinary medical examiners, and the said board may also require the proposed animal technician to submit to an examination. The fee for such examination shall not be less than \$10.00 nor more than \$20.00 be determined by the board not to exceed \$25.00. The board shall issue permits to the veterinarians and permit certificates to the animal technicians who have passed the examination and have been found qualified by the board. There shall be an annual renewal of each permit issued and a renewal fee established by the board, not to exceed \$5.00 \$15.00. Such a permit shall cover the specific employment to which it refers and does not authorize the holder thereof to employ any other technician other than the one named in the permit. A permit shall be obtained for each animal technician employed.

"Animal technicians shall not perform any duties or operations anywhere at any time or any place, except under the direct and immediate supervision or in the office of a legally qualified veterinarian or in a school or hospital that holds a permit from the Alabama state board of veterinary medical examiners to employ such animal technicians, and said permits shall be displayed at all time in the office of the holder thereof at such place as to be easily accessible to the public or his patients. Said board may cancel any such permit which it may have issued for violation of the laws of Alabama relating to the practice of veterinary medicine or for the violation of any of the rules and

regulations of the said board after giving such persons 10 days' notice of the time and place of hearing; and, should the board revoke the said permit, such persons shall have the right of appeal to the circuit court, to be heard and governed as appeals by veterinarians in such cases are heard and governed. The state board of health, schools or hospitals may be issued permits to employ animal technicians under such terms and conditions as may be prescribed by the Alabama state board of veterinary examiners. Any veterinarian who permits the duties of the animal technician to be done in his office without having been issued a permit as herein provided or any person who is employed as a animal technician whose employer has not obtained a permit shall be guilty of a misdemeanor and, upon conviction, for the first offense shall be fined not less than \$50.00 nor more than \$500.00 and, for the second offense, not less than \$250.00 nor more than \$500.00, and may also be imprisoned at hard labor not less than three months nor more than four months. Nothing, however, in this article shall be construed to prevent a student of veterinary medicine from performing operations under the supervision of a competent instructor in veterinary medicine recognized by the Alabama state board of veterinary examiners."

"§ 34-29-20. A state board of veterinary medical examiners is established to consist of five members, who shall be members of the state veterinary medical association of Alabama in good standing, and who shall be graduates of an accredited veterinary medical college, approved by the American Veterinary Medical Association. No board member shall serve more than two (2) terms of office, provided further, that any person serving as a board member as of the effective date of this act shall be entitled to serve an additional term of office. The state board of veterinary medical examiners shall be a body corporate, with the right to sue and be sued. It shall have and use a seal. It shall have the right and power to hold hearings, to call witnesses and to take testimony bearing on the records of applicants for certificates of qualifications to practice veterinary medicine and surgery in Alabama, and on the records of practitioners who may be under consideration by the board on charges of misconduct. The state board of veterinary medical examiners in its corporate capacity, or any individual member of the board, may prosecute in court an action of quo warranto or other proper action to oust from the practice any unlawful practitioner of veterinary medicine or surgery or may assist the attorney general or any district attorney in prosecutions for criminal violations of this chapter."

"§ 34-29-23. The members of the state board of veterinary medical examiners shall receive \$40.00 \$100.00 a day for each day such a member is actually engaged in the work of the state board and, in addition, the usual per diem expenses allowed to other persons acting in the service of the state of Alabama or any of its agencies, institutions, boards, bureaus or commissions. The secretary-treasurer shall receive, in addition thereto, a salary of \$100.00 a year. He shall be required to make semiannual reports in detail to the board. The legal expenses of the board for administration of this chapter shall be paid from funds in the state treasury to the credit of the board and shall be paid only on warrant of the state treasurer and approved by the governor. No funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Title 41, chapter 4, article 4 of this Code and only in amounts as stipulated in the general appropriations act."

"§ 34-29-41. Every person who shall hold a certificate of qualification to practice veterinary medicine and surgery in Alabama and who shall engage in such practice shall pay an annual privilege license fee; of \$10.00 an amount to be determined by the board, not to exceed \$25.00, which shall be

paid to the secretary-treasurer of the state board of veterinary medical examiners, the same to be payable not later than January 15 in each calendar year; except, that those who receive certificates of qualification to practice during the calendar year shall have 10 days thereafter in which to pay such annual privilege license fee; and except, that former practitioners who resume practice during the calendar year shall have 10 days after such resumption of practice to pay such annual privilege license fee. Each person who shall apply to the board for a certificate of qualification, whether upon examination or upon certification from another state, shall accompany each such application with a fee of \$15.00. All fees collected hereunder shall be paid to the secretary-treasurer and shall be accounted for by him in detail. These fees shall be deposited in the state treasury to the credit of the state board of veterinary medical examiners and shall be used and expended by said board for the administration and enforcement of this article."

" § 34-29-45. The state board of veterinary medical examiners shall, in its bylaws, fix times and places for at least two regular examinations each year and shall give wide publicity to the profession of the times and places of such regular examinations. It may hold special examinations from time to time and, in its own discretion, anywhere in the state of Alabama. At least three of the members must be present when any examination is conducted. Said examinations shall be theoretical and practical and either be written or oral, partly written and partly oral. All examinations shall include the following subjects: veterinary anatomy, veterinary surgery, veterinary medicine, veterinary obstetrics, pathology and bacteriology, therapeutics and pharmacy, veterinary physiology, animal husbandry and dairying, meat inspection, milk inspection, chemistry and veterinary sanitation. The board is authorized to establish and collect an examination fee, not to exceed \$50.00, for each examination given."

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Johnson (R. G.), Kelley, Langford, Letson, McMillan, Manley, Minus, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Venable, Ward, Williams, Willis, Wyatt and Zoghby.

—64

MOTION TO TEMPORARILY POSTPONE

Rep. Seibels offered the motion to temporarily postpone further consideration of the bill, H. 102 as amended.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Smith (M) that the House recess for one hour, was lost.

Yeas 14; Nays 67.

Yeas:

Reps.: Adams (C), Bowling, Brakefield, Buskey, Daniels, Dixon, Grouby, Laird, Langford, Letson, Smith (J), Smith (M), Starkey and Zoghby.

—14

Nays:

Reps.: Adams (H), Albright, Barton, Biddle, Blake, Cabaniss, Cates, Clark (G), Clark (W), Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (T), Harrison, Harvey, Holmes, Howard, Jackson, Johnson (R. G.), Kelley, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Stewart, Stout, Turner, Venable, Whatley, Williams, Willis and Wyatt.

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H. 102 TEMPORARILY POSTPONED

The question was then on the motion offered by Rep. Seibels to temporarily postpone further consideration of the bill, H. 102 as amended, and the motion was adopted.

And the bill:

H. 103. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Speech Pathology and Audiology as provided in Sections 34-28A-1 through 34-28A-44 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-28A-21, 34-28A-23, 34-28A-24 and 34-28A-40 of the Code of Alabama 1975, so as to: Require applicants to pass an examination approved or promulgated by the board; remove requirement of board to maintain permanent records of all examination scores; provide that four (4) board members constitutes a quorum; and delete a waiver of examination provision (grandfather clause) which has served its purpose.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Clark (G), Clark (W), Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Howard, Jackson, Johnson (R. G.), Kelley, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Penry, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—60

Nays: Reps.: Albright and Hall.

—2

REPORT FILED

Pursuant to House Joint Resolution 346, Act No. 80-657, Regular Session of the 1980 Legislature, Rep. Jimmy W. Holley, Chairman, submitted the final report of the Joint Interim Committee Recreating An Interim Committee To Implement The Purchase of Property Within the Capitol Complex, and the report was ordered filed.

BILLS ON SPECIAL ORDER RESUMED

And the bill:

H. 104. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-7-1, 34-7-4, 34-7-7, 34-7-11, 34-7-16, 34-7-17, 34-7-19, 34-7-21, 34-7-24, 34-7-40, and 34-7-46, Code of Alabama 1975; and to repeal Section 34-7-8, 34-7-13, 34-7-14, 34-7-22, and 34-7-23, Code of Alabama 1975, so as to: Provide further for the definitions and add two (2) new definitions of "master cosmetologist" and "booth rentals"; provide further for the qualifications of applicants of the board; remove the test for syphilis on the physician's report of applicants; provide for biennial fees and authorize the board to increase fees up to certain amounts; exempt classes of public school boards of education and public trade schools from various provisions of article 7 of Title 34; provide further requirements of temporary licensing; authorize the board to prorate fees in the implementation of biennial licensing; remove subpoena power from board in relation to refusal, revocation or suspension of licenses or certificates; further define exempted occasional hair dressers who receive no compensation; provide all board members must be licensed cosmetologists and need not be at least 25 years of age; provide that board investigations must be initiated by a majority of the board members; and repeal various code sections which are either redundant or superfluous, or have served their intended purposes; and to eliminate county exemptions so as to provide for statewide application of article 7 of Title 34 of the Code of Alabama 1975.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Sunset, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-7-1, 34-7-4, 34-7-5, 34-7-6, 34-7-7, 34-7-9, 34-7-11, 34-7-16, 34-7-17, 34-7-19, 34-7-21, 34-7-24, 34-7-40, 34-7-42, and 34-7-46, Code of Alabama 1975; and to repeal Sections 34-7-8, 34-7-13, 34-7-14, 34-7-22, and 34-7-23, Code of Alabama 1975, so as to: Provide further for the definitions and add several new definitions "master cosmetologist," "booth rentals," "managing esthetician," "esthetician salon," "apprentice esthetician," "school for estheticians," "student esthetician," "Esthetician instructor," and "student instructor"; provide further for the qualifications of applicants of the board; regulate schools and salons of estheticians; remove the test for syphilis on the physician's report of applicants and provide certain other tests be performed within one year of application; provide for biennial fees and authorize the board to increase fees up to certain amounts; exempt classes of public school boards of education and public trade schools from various provisions of article 7 of Title 34; provide further requirements of temporary licensing; authorize the board to prorate

fees in the implementation of biennial licensing; refer to "schools of cosmetology" or "School of estheticians" instead of "beauty school"; remove subpoena power from board in relation to refusal, revocation or suspension of licenses or certificates; prohibit the unlawful practice of skin care, and schools of estheticians; further define exempted occasional hair dressers who receive no compensation; provide all board members must be licensed cosmetologists and need not be at least 25 years of age and shall receive \$50.00 per day compensation; provide that board investigations must be initiated by a majority of the board members; and repeal various code sections which are either redundant or superfluous, or have served their intended purposes; and to eliminate county exemptions so as to provide for statewide application of article 7 of Title 34 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Cosmetology, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-7-1 through 34-7-47, Code of Alabama 1975, as amended, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. The existence and functioning of the Board of Cosmetology created and functioning pursuant to Sections 34-7-1 through 34-7-47, as amended, Code of Alabama 1975, are hereby continued.

Section 4. Sections 34-7-1, 34-7-4, 34-7-5, 34-7-6, 34-7-7, 34-7-9, 34-7-11, 34-7-16, 34-7-17, 34-7-19, 34-7-21, 34-7-24, 34-7-40, 34-7-42, and 34-7-46 of the Code of Alabama 1975, as amended, are hereby further amended to read as follows:

" § 34-7-1.

"For the purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

"(1) COSMETOLOGY. Any one and/or a combination of practices generally and usually, heretofore and hereafter performed by, and known as the profession of beauty culturists, cosmeticians, cosmetologists, hairdressers or of any other person holding himself or herself out as practicing cosmetology by whatever designation and within the meaning of this chapter and in and upon whatever place or premises; and in particular shall include, but otherwise not be limited thereby, to the following or any one or a combination or practices: arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring or similar work upon the hair of any person, by any means, and/or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or otherwise, massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work on the scalp, face, neck, arms, hands, bust or upper part of the body, or manicuring the nails of any person.

"(2) COSMETOLOGIST. Any person, not an apprentice or a student, following or practicing cosmetology on members of the general public for

compensation not owning or managing a beauty shop or school of cosmetology, and who shall have the qualifications hereinafter provided for a cosmetologist.

"(3) **MANAGING COSMETOLOGIST.** A cosmetologist who manages or conducts a beauty shop or school of cosmetology.

"(4) **MANICURIST.** Any person who engages only in the practice of manicuring the nails of any person.

"(5) **APPRENTICE.** Any person who is engaged in the learning or acquiring of any or all practices of cosmetology and, while so learning, performs or assists in any of the practices of cosmetology in a shop registered or licensed under this chapter.

"(6) **STUDENT.** Any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and, while so learning, performs or assists in any of the practices of cosmetology in a school registered or licensed under this chapter under the instruction or immediate supervision of an instructor licensed as such under this chapter.

"(7) **INSTRUCTOR.** Any person who is a cosmetologist and who teaches cosmetology or any practices thereof in a duly registered school of cosmetology; provided, that nothing contained herein shall apply to any instructor employed as a teacher in a school or class executed by a public school board of education, or public trade school.

"(8) **STUDENT INSTRUCTOR.** A cosmetologist who is receiving instructions in teacher's training in a duly registered school of cosmetology.

"(9) **BEAUTY SHOP.** Any place or part thereof, wherein cosmetology or any of its practices are followed, whether such place is known or designated as a cosmetician, cosmetological or beauty shop or establishment or whether the person practicing cosmetology therein holds himself out as a cosmetician, cosmetologist or beauty culturist, or by any other name or designation indicating that cosmetology is practiced therein. All beauty shops shall have a managing cosmetologist on duty five days a week.

"(10) **SCHOOL OF COSMETOLOGY.** Any place or part thereof, wherein cosmetology or any of its practices are taught, whether such place or establishment is known or designated as a cosmetician, cosmetological or beauty culture school or establishment, or by any other name or designation, indicating that cosmetology is taught therein to students; provided, that nothing contained herein shall apply to any school or class operated by a public school board of education, or public trade school.

"(11) **PLACE OF COSMETOLOGY.** Such place wherein cosmetology is practiced on the members of the general public for compensation; and such place wherein cosmetology is taught to students shall hereinafter be considered as a school of cosmetology; provided, that any appropriate name herein mentioned may be used for either such beauty shop or for such school of cosmetology, respectively, but such name shall be displayed upon or over the entrance door or doors of such place designating it as a beauty shop or school of cosmetology as the case may be, within the meaning of this chapter. Each such establishment shall be entirely distinct and separated from any living quarters, but may be housed under the same roof, but shall have an outside entrance and any entrance from the shop to the home shall be kept closed except that nothing herein shall prevent the use of said door. If a beauty shop is conducted in a home in a zone or district in a municipality in which the

display of such name is forbidden by municipal ordinance or by other duly adopted zoning rule or regulation, signs designating the beauty shop or school of cosmetology may be omitted. Any shop in operation on September 20, 1957, upon proof that sanitary measures are being complied with, shall be exempt from the provisions of this subdivision; provided, that such exemption shall not apply if the ownership or location of the shop is changed. Each such establishment shall be entirely distinct and permanently separated from any living quarters, have an outside entrance and any entrance from the shop to the home shall be kept closed except nothing herein shall prevent the use of said door.

"(12) **DEMONSTRATOR.** Any person who is not licensed in this state as a cosmetologist or instructor and who demonstrates for purposes of selling or advertising any cosmetic preparation by applying the same with his or her hands upon the hair or body of another person. A demonstrator shall be required to obtain a license from the board before making such demonstration. The requirements for the issuance of a demonstrator's license are a health card, two photographs, a notarized application and fee as provided for in this article. Nothing in this Act shall be construed to apply to departments in retail establishments where cosmetics are demonstrated and offered for sale but wherein no other act of cosmetology is performed.

"(13) **BOARD.** The Alabama board of cosmetology, as hereinafter provided for.

"(14) **COSMETIC STUDIO.** Any place or premises where demonstrators give demonstrations for the purpose of advertising and selling cosmetics. It shall be necessary for any cosmetic studio to apply to the board for a certificate of registration for a cosmetic studio, said application to be upon a form prescribed by the board.

"(15) **ESTHETICIAN.** Any person, not an apprentice or a student, who engages in any of the following specialized practices as generally recognized in the field of cosmetology: skin care, make-up artistry, facials and body waxing, and electrolysis.

"(16) **SHAMPOO ASSISTANT.** Any person who engages only in the practices of shampooing or cleaning the hair of any person and applying temporary weekly color rinses.

"(17) **MASTER COSMETOLOGIST.** A person holding a Managing Cosmetologist license who has completed a course of study in continuing education approved by the Cosmetology Board within a licensing period and who has paid the original licensing fee as herein provided. This is an optional license and persons who do not wish to complete the continuing education requirement may obtain a Managing Cosmetologist license when renewing their license.

"(18) **BOOTH RENTAL.** The practice of renting space within an established beauty salon to a sole proprietor as a legally separate business entity. Rented booths are subject to all provisions of this chapter as they apply to beauty shops."

"(19) **MANAGING ESTHETICIAN.** Any person who manages or conducts an esthetician salon or school for estheticians.

"(20) **ESTHETICIAN SALON.** Any place or part thereof, not a beauty salon, wherein skin care or any of its practices are followed. All esthetician salons must conform to rules promulgated by the state board.

"(21) APPRENTICE ESTHETICIAN. Any person who is engaged in the learning or acquiring of any or all practices of skin care and while learning performs or assists in any of the practices of skin care in a licensed esthetician salon or beauty salon.

"(22) SCHOOL FOR ESTHETICIANS. Any place or part thereof wherein only skin care or any of its practices are taught to students; provided that nothing contained herein shall apply to any school or class operated by a public school board of education or public trade school.

"(23) STUDENT ESTHETICIAN. Any person who is engaged in the learning or acquiring of any or all the practices of skin care in a licensed esthetician school or school of cosmetology.

"(24) ESTHETICIAN STUDENT INSTRUCTOR. Any licensed esthetician who is receiving instructions in teacher's training only in skin care in a duly registered school for estheticians or cosmetology school.

"(25) ESTHETICIAN INSTRUCTOR. Any person who is an esthetician and who teaches skin care or any practices thereof in a duly registered school of cosmetology for estheticians. Provided that nothing contained herein shall apply to any instructor employed as a teacher in a school or class executed by a public school board of education or public trade school.

" § 34-7-4.

"(a) No person shall be admitted to examination or receive a license under this chapter, except as otherwise provided for in this chapter, unless such person shall possess the following qualifications:

"(1) COSMETOLOGIST. Except as otherwise provided for in this chapter, no person may be licensed as a cosmetologist in any one or a combination of the practices of cosmetology under this chapter unless such person shall pay the original licensing fee as hereinafter provided for and have an education equivalent to the completion of 10 grades in school and shall have served and completed the required time and studies as follows:

"a. For a complete course of cosmetology, consisting of all or the majority of practices thereof in a school of cosmetology, of not less than 1,200 hours, nor more than 1,700 hours, of continuous training not to exceed more than eight hours in any one day, or shall have completed a course of study in the public schools or trade school consisting of at least 1,200 hours and not more than 1,700 hours of training.

"b. Or as an apprentice in a beauty shop for a period of not less than 3,000 hours over a minimum period of one year of training not to exceed eight hours in any one day; or, in either event,

"c. Any barber desiring to obtain a cosmetology license must meet all requirements pertaining to students or apprentices and will be given credit for one-half of the earned barber hours required in the school of cosmetology or apprentice program in which they are trained, and must then take and pass both the written and practical state board examination for cosmetologists; and

"c (d) Shall have passed an examination of the board as provided in this chapter.

"(2) MANICURIST. Except as otherwise provided for in this chapter, no manicurist may be licensed as such unless such person shall pay the

original licensing fee as hereinafter provided for and shall have completed a course of training of not less than 300 hours in a school of cosmetology, or shall have served as an apprentice in a beauty shop for a period of not less than 300 hours of continuous training not to exceed more than eight hours in any one day, and shall have passed an examination to the satisfaction of the board as provided for in this chapter.

"(3) **MANAGING COSMETOLOGIST.** Except as otherwise provided for in this chapter, no person may be licensed as managing cosmetologist unless such person shall pay the original licensing fee as hereinafter provided for, and shall be a licensed cosmetologist, and shall have served as such in a registered beauty shop or school of cosmetology for a period of not less than one year prior to such application for a license as managing cosmetologist.

"(4) **APPRENTICES.** Apprentices in cosmetology shall be registered upon the payment of the original fee as hereinafter provided for, payable upon the commencement of the apprenticeship in a duly registered beauty shop. Such apprentice shall be at least 16 years of age at the time of such registration and shall have an education equivalent to the completion of 10 grades in school; provided, that any beauty shop that shall take an apprentice shall immediately file with the board the name and age of such apprentice, and the board shall cause the same to be entered in a register kept for that purpose, provided said apprentice shall at no time be concurrently enrolled in a school of cosmetology, except for six hours of theory training per week. Esthetician salons are permitted to train persons only for an esthetician license.

"(5) **STUDENTS.** Students in cosmetology shall be registered by the board upon enrollment in a registered school of cosmetology and upon certification by such school of such enrollment. A student shall be at least 16 years of age at the time of such registration and shall have an education equivalent to the completion of 10 grades in school; provided, that any school of cosmetology that shall enroll such a student shall immediately file with the board the name and age of such student, and the board shall cause the same to be entered in a register kept for that purpose. Students in beauty schools are allowed to work in beauty salons after completion of 70 percent of the total hours required in beauty school only when school is not in session. One student trainee will be allowed for the first managing cosmetologist and one additional student for each three additional licensed cosmetologists attached to its staff. Such student must be enrolled with the board and receive a permit to work in a beauty salon before beginning work. A fee of \$3.00 is required.

"(6) **INSTRUCTORS.** Except as otherwise provided in this chapter, no person may be licensed as an instructor in any one or a combination of the practices of cosmetology unless such person shall pay the original licensing fee as hereinafter provided for and shall hold a license as a cosmetologist issued to him pursuant to subdivision (1) of this subsection, and in addition,

"a. Shall have completed not less than 1,250 hours nor more than 1,700 hours in a teacher's training course in cosmetology in a registered school of cosmetology, to be eligible for admission to examination; or shall have successfully completed a course of study in the public schools or trade schools consisting of at least 1,250 hours and not more than 1,700 hours in a teacher's training course in cosmetology; or

"b. Shall have not less than one year of experience as an active practicing cosmetologist prior to enrollment as a student instructor and supplemented by not less than 650 hours in a teacher's training course in cosmetology in a registered school of cosmetology, in order to be eligible for admission for examination.

"No instructor or student instructor shall be permitted to practice cosmetology on the public other than such practical work as shall pertain directly to the teaching of practical subjects to students.

"c. Shall have an education equivalent to the completion of 12 grades in school in order to enroll in a course for teacher's training in any registered school of cosmetology.

"Any person duly licensed to practice in any field related to cosmetology may apply to the board for a permit to teach theory in the field in which he is licensed to practice; and, upon proper proof of qualifications, said board may issue such teacher's permit to the applicant.

"(7) STUDENT INSTRUCTORS. Student instructors in cosmetology shall be registered by the board upon enrollment in a registered school of cosmetology and upon certification by such school to the board of such enrollment. A student instructor at the time of such enrollment shall hold a license as a cosmetologist. Upon the completion of the course prescribed by this chapter for a student instructor, said student instructor may make application on a form provided by the board and pay the examination fee as hereinafter provided for. Said board shall thereupon cause such applicant to be examined for an instructor's certificate, said examination to be given by the board. Upon such applicant's successfully passing said examination and the payment of the original licensing fee of an instructor as hereinafter provided for, said board shall issue and give an instructor's certificate. Any school of cosmetology that shall enroll any person as a student instructor shall immediately file with the board the name and age of such student and his qualifications qualifying him for such course as herein provided, and the board shall cause the same to be entered in a register kept for that purpose. Schools for estheticians are permitted to train student instructors only for an esthetician instructor's license.

"(8) ESTHETICIAN. No person shall practice as an esthetician unless such person shall pay the original licensing fee as provided for in this article and shall have completed a course of study approved by the board consisting of at least 450 hours in skin care, esthetician or facialist training, 300 hours in make up artistry, 150 hours in body waxing and 450 hours in electrolysis, and shall have passed an examination to the satisfaction of the board. Estheticians shall work under the direction of a managing cosmetologist. It shall not be necessary for an esthetician to be licensed as a cosmetologist, as defined in section 34-7-1.

"(b) The sufficiency of the qualifications of applicants for admission to the examinations or for licensing as herein provided for shall be determined by the board, subject to such provisions as the board shall make.

"(8) ESTHETICIAN. Except as otherwise provided for in this chapter, no person may be licensed as an esthetician under this chapter unless such person shall pay the original licensing fee as hereinafter provided for and have an education equivalent to the completion of 10 grades in school and shall have successfully served and completed the required time and studies as follows:

"a. For a complete course of skin care, consisting of all or the majority of practices thereof in a school of cosmetology or esthetician school of not less than 1,200 hours and not more than 1,700 hours of continuous training not to exceed more than eight hours in any day or shall have completed a course of study in the public schools or trade school consisting of at least 1,200 hours and not more than 1,700 hours of training; or

"b. As an apprentice in a beauty shop or esthetician salon for a period of not less than 3,000 hours over a minimum period of one year of training not to exceed eight hours in any one day; or, in either event,

"c. Shall have passed an examination to the satisfaction of the board as provided in this chapter.

"(9) **MANAGING ESTHETICIAN.** Except as otherwise provided for in this chapter, no person may be licensed as a managing esthetician unless such person shall pay the original licensing fee as hereinafter provided for, and shall be a licensed esthetician, and shall have served as such in a registered beauty shop or school of cosmetology or esthetician salon or school for estheticians for a period of not less than one year prior to such application for a license as a managing esthetician.

"(10) **STUDENT ESTHETICIANS.** Shall be registered by the board upon enrollment in a registered school of cosmetology or school for estheticians and upon certification by such school to the board of such enrollment. A student shall be at least 16 years of age at the time of such registration and shall have an education equivalent to the completion of 10 grades in school; provided, that any school of cosmetology or esthetician school that shall enroll such a student shall immediately file with the board the name and age of such student, and the board shall cause the same to be entered in a register kept for that purpose.

"(11) **ESTHETICIAN INSTRUCTORS.** Except as otherwise provided in this chapter, no person may be licensed as an esthetician instructor unless such person shall pay the original licensing fee as hereinafter provided for and shall hold a license as a cosmetologist or esthetician and in addition:

"a. Shall have completed not less than 1,250 hours in a teacher's training course in cosmetology in a registered school of cosmetology or esthetician school to be eligible for admission to examination; or

"b. Shall have not less than one year of experience as an active practicing cosmetologist or esthetician prior to enrollment as a student instructor and supplemented by not less than 650 hours in a teacher's training course in cosmetology or skin care in a registered school of cosmetology or school for estheticians in order to be eligible for admission for examination.

"No instructor or student instructor in skin care shall be permitted to practice cosmetology on the public other than such practical work as shall pertain directly to the teaching of practical subjects to students.

"c. Shall have an education equivalent to the completion of 12 grades in school in order to enroll in a course for teacher's training in any registered school of cosmetology or esthetician school."

"§ 34-7-5.

"(a) It shall be necessary for any person, firm, corporation or association to apply to the board for a certificate of registration as a registered

beauty shop, esthetician salon, school of cosmetology or school for estheticians, within the meaning of this chapter, said application to be upon a form prescribed by the board and accompanied by the payment of the original registration fee as hereinafter provided for. Any beauty shop or school of cosmetology, esthetician salon or school for estheticians shall, after May 23, 1977, fully comply with all the provisions of this chapter applicable thereto, and with all the rules and regulations promulgated by the board as hereinafter provided.

"(b) No beauty shop or esthetician salon shall accept an apprentice unless such beauty shop or esthetician salon is in charge of a managing cosmetologist or managing esthetician licensed as such. Such shop may register one additional apprentice for each additional managing licensed cosmetologist or licensed esthetician attached to its staff. In addition, such shop shall possess the necessary apparatus and equipment for the proper instruction in all subjects for the practices for which a license is required under this chapter, and shall maintain a daily record of the attendance of such apprentice or apprentices, together with the number of hours of apprenticeship, and shall certify to the board, upon termination of such apprenticeship, the credits earned. Such instruction shall require the necessary training for a complete course comprising all or the majority of the practices of cosmetology or skin care as provided in subdivisions (1) and (2) of subsection (a) of section 34-7-4, and such course shall include practical demonstrations and theoretical studies and studies in sanitation, sterilization and other safety measures, and the use of antiseptics, cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to cosmetology, as provided for in this chapter.

"(c) Any beauty shop registered or licensed under this chapter is authorized to employ a shampoo assistant who shall be under the supervision of the managing cosmetologist, provided such person is at least 16 years of age and submits to the managing cosmetologist a certificate of health as is required by section 34-7-7. Any such beauty shop that employs a shampoo assistant shall immediately file with the board the name and age of such person together with the person's certificate of health and the payment of a registration fee as provided for in this article. The board shall then cause the appropriate information to be entered in a register kept for that purpose.

"(d) Any person, firm or corporation teaching any or all of the practices of cosmetology or skin care shall be required to comply with all provisions applicable to schools of cosmetology or to beauty shops, esthetician schools, esthetician salons having apprentices and any and all rules which may be promulgated by the board. No school of cosmetology, beauty shop, esthetician salon or school for estheticians shall operate within this state unless a proper certificate of registration under this chapter has first been obtained. The practice of cosmetology or skin care shall not be followed in this state except in a duly registered beauty shop or school of cosmetology, esthetician salon, or school for estheticians except for educational purposes."

"§ 34-7-6.

"No school of cosmetology shall be granted a certificate of registration unless it shall employ and maintain a sufficient number of competent instructors, at least one for every 20 students in attendance at any one time; shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum; shall keep a daily record of the attendance of each student; maintain regular class and instruction hours, establish grades and hold examinations before issuance of diplomas and shall

require a school term of training for a complete course comprising all or the majority of the practices of cosmetology as provided in subdivision (1) of subsection (a) of section 34-7-4, together with the minimum number of hours therein prescribed; and shall include practical demonstrations and theoretical studies and study in sanitation, sterilization, other safety measures and the use of antiseptics, cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to cosmetology or any practice thereof, as provided in this chapter. Any such school that shall enroll student instructors shall not have at any one time more than two student instructors for each licensed instructor actively engaged in such school. A school engaged only in the teaching of estheticians shall not be required to provide instruction in other practices of cosmetology but must meet all requirements of cosmetology schools pertaining to instructors, attendance records, enrollments, etc."

"§ 34-7-7.

"Every person who desires to engage in any of the practices designated to be within the meaning of this chapter shall file with the secretary of said board a written application for a certificate to practice or for an examination and license to practice, as the case may be, and as provided in this chapter. Such application shall be accompanied by a certificate of health giving the dates and results of a chest x-ray of skin test, and a standard test for syphilis. Such tests must be made within 45 days one year prior to filing of the application for a certificate to practice or for an examination for a license to practice."

"§ 34-7-9.

"(a) The examination of applicants for a license to practice a classified profession as designated under this chapter shall be conducted under rules prescribed by the said board and shall include both practical demonstrations, written and oral tests in reference to the practices for which a license is applied and such related studies on subjects as the board may determine necessary for the proper and efficient performance of such practices, and shall not be confined to any specific system or method. Such examinations shall be consistent with a prescribed curriculum for a beauty school or schools of cosmetology or schools for estheticians and the practical and theoretical requirements for the practice of cosmetology as provided by this chapter.

"(b) Temporary permits will be extended until the next state board examination for persons failing the state board examination for the first time. Persons failing the state board examination for the second time must return to beauty school for 375 additional hours or train for 600 additional hours in beauty cosmetology salon then retake both parts of the state board examination."

"§ 34-7-11.

"The various fees to be paid by the applicants for original registrations, licenses, annual biennial renewals, temporary permits, licenses issued upon reciprocity, and examinations, as required under this chapter shall be as follows established by the board, not to exceed the following amounts:

"(1) Original registrations, licenses and annual biennial renewals thereof:

Beauty Shop, original registration	\$ 35.00	\$ 70.00
Beauty Shop, annual biennial renewal	\$ 10.00	\$ 40.00
School of Cosmetology, original registration		\$ 300.00

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School of Cosmetology, annual biennial renewals	\$ 50.00	\$ 100.00
Cosmetologist, or Master Cosmetologist, original license	\$ 10.00	\$ 30.00
Cosmetologist, or Master Cosmetologist, annual biennial	\$ 5.00	\$ 20.00
Managing Cosmetologist, original license	\$ 10.00	\$ 30.00
Managing Cosmetologist, annual biennial renewal	\$ 5.00	\$ 20.00
Manicurist, original license	\$ 10.00	\$ 30.00
Manicurist, annual biennial renewal	\$ 5.00	\$ 20.00
Shampoo assistant, original license		\$ 5.00
Shampoo assistant, biennial renewal		\$ 5.00
Instructor, original license	\$ 15.00	\$ 40.00
Instructor, annual biennial renewal	\$ 5.00	\$ 20.00
Instructor of theory in related fields		\$ 10.00
Demonstrators, original license	\$ 10.00	\$ 30.00
Demonstrators, annual biennial renewal	\$ 10.00	\$ 20.00
Cosmetic Studio, original registration	\$ 35.00	\$ 70.00
Cosmetic Studio, annual biennial renewal	\$ 10.00	\$ 40.00
Reciprocity license fee (examination fee not included)	\$ 25.00	\$ 100.00
Esthetician, original registration		\$ 30.00
Esthetician, biennial renewal		\$ 20.00
Apprentice registration fee	\$ 2.00	\$ 10.00
Registration of Student in Beauty School	\$ 2.00	\$ 10.00
Registration fee for Student Instructor	\$ 5.00	\$ 10.00
Reissue of lost license Duplicate of license, renewal, or permit	\$ 5.00	\$ 10.00
Penalty fee for late renewal of license \$3.00 plus license and renewal fee		\$ 10.00
Fee for information concerning license standing—out of state	\$ 1.00	\$ 10.00

“(2) Examination

As a Cosmetologist, or Master Cosmetologist	\$ 10.00	\$ 20.00
As a Managing Cosmetologist	\$ 10.00	\$ 20.00
As an Instructor	\$ 10.00	\$ 40.00
As a Manicurist	\$ 10.00	\$ 20.00
Re-examination fee for Cosmetologist or Managing Cosmetologist or Manicurist		\$ 20.00
Re-examination fee, Instructor		\$ 40.00
As an Esthetician		\$ 40.00
Re-examination fee, Esthetician		\$ 40.00
Student Apprentice Trainee, original fee		\$ 5.00
Booth Rental, original registration		\$ 70.00
Booth Rental, renewal		\$ 40.00
School for Estheticians, original registration		\$ 300.00
School for Estheticians, biennial renewal		\$ 100.00
Esthetician Salon, Original registration		\$ 70.00
Esthetician Salon, biennial renewal		\$ 40.00
Managing Esthetician, original license		\$ 30.00
Managing Esthetician, biennial renewal		\$ 20.00
Registration of student in school for estheticians		\$ 10.00”

"It shall be unlawful for any person, firm or corporation to practice cosmetology or skin care except in a bona fide established beauty shop, esthetician salon, school of cosmetology or school for estheticians wherein the requirements of laws as to proper and sanitary practices of cosmetology or skin care are complied with. Provided that nothing contained herein shall apply to any school or class operated by a public school board of education or public trade school.

"§ 34-7-17.

"(a) The board may issue a temporary license to any person who otherwise is subject to examination, as provided in this chapter, upon documentary or other satisfactory evidence that the applicant therefor has the necessary qualifications to practice any one or any combination of practices of cosmetology for which a temporary license is applied; provided, that such application for a temporary license is accompanied by an application for an examination as provided in this chapter and the necessary fee therefor as provided in section 34-7-11. Each temporary license shall state the date of expiration, and the temporary license shall after such date be void and of no effect. Such temporary license shall in no event remain in force beyond the date of the next regular meeting of the board at which examinations are held and until the results of the applicant's examinations are announced. Two such temporary licenses may be issued to the same person.

"(b) Satisfactory documentary or other evidence of qualification for examination as herein provided shall consist of appropriate certification from the administrative head of the school of cosmetology, beauty shop, or the public school or trade school at which the applicant received his training.

"(c) Each temporary license shall state the date of expiration, and the temporary license shall after such date be void and of no effect. Such temporary license shall in no event remain in force beyond the date of the next regular meeting of the board at which examinations are held and until the results of the applicant's examination are announced."

"§ 34-7-19.

"No license issued by the board shall be for a period longer than two years. All licenses shall expire on September 30 of odd-numbered years. Renewal applications must reach the office of the board on or before November 1 of the odd-numbered years. Applicants will be required to pay a penalty fee for each license not renewed prior to November 1. The holder of the expired certificate or license may have, within three years of the date of the expiration, the certificate restored upon the payment of the required renewal fees plus the penalty fee. The restoration fee shall be as follows: the sum of the accumulated renewal fees for the lapsed period, plus the penalty fee and the fee for the current year. Licenses which have expired for a period longer than three years may be restored upon successful completion of the practical part of the state board examination and payment of the examination fee, plus fees for the lapsed period. The board is further authorized to prorate fees pursuant to the adoption of biennial licensing as provided in this amendatory Act, so as to fairly charge for periods of time less than two years."

"§ 34-7-21.

"The board shall have the power to refuse, revoke and suspend licenses and certificates, strictly in accordance with the provisions of this chapter, upon proof of violation of any of the rules and regulations promulgated by the said board, or upon proof of violation of any of the sections of this chapter.

"The board may refuse to grant or may revoke or suspend any certificate or license issued in any case where the holder of or applicant for such license or certificate shall have been guilty of fraud or dishonest conduct in the taking of the examination herein provided for, shall at any time have been convicted of a felony or of gross immorality, shall be guilty of grossly unprofessional or dishonest conduct, shall be addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices or professions set forth in this chapter, shall advertise by means of knowingly false or deceptive statements or shall fail to display the license or certificate issued to him as provided for in this chapter. The board shall not, on any of the grounds in this section stated, refuse to issue or renew any license or certificate, nor shall it revoke or suspend any such license or certificate already issued except after a hearing, of which the applicant or licensee or the holder of the certificate affected shall be given at least 20 days' notice in writing, specifying the reason or reasons for denying the applicant a license or certificate of registration or, in case of a suspension or revocation, the offense or offenses of which the licensee or the holder of the certificate of registration is charged. Such notice may be served by mailing a copy thereof by registered or certified mail to the last known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be held in Montgomery county at such time as the board may prescribe.

"The members of the board shall have the power to administer oaths and shall have the power to require the attendance of witnesses and the production of such books, records and papers as it may desire at any hearing on any matter which the board has authority to investigate, and for that purpose may require the secretary of the board to issue a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of the county where such witness resides or may be found, which subpoenas and subpoenas duces tecum shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the sheriff and witnesses shall be the same as allowed in the circuit courts of this state. Such fees and mileage shall be paid from the fund of the board on deposit in the state treasury for the use of the board, in the same manner as other expenses of the board are paid. The board must subpoena all witnesses for whom subpoena is requested by the applicant, licensee or holder of a certificate, provided, that such request shall be made in writing to the secretary of the board at least 10 days prior to the date set for the hearing. All fees and mileage of the sheriff and witnesses subpoenaed at the request of such applicant, licensee or holder of a certificate shall be paid by the applicant, licensee or holder of a certificate, and execution may issue therefor the same as provided in civil cases in the circuit courts in this state."

" § 34-7-24.

"Nothing in this chapter shall prohibit service in case of emergency or domestic administration, without compensation, nor services by persons authorized under the laws of this state to practice medicine, surgery, dentistry, chiropody, osteopathy or chiropractic or the occupation of a masseur, nor services by barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices, namely: arranging, cleaning, cutting or singeing the hair of any person; or in massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person with the hands, or with mechanical or electrical apparatus or appliance, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams. This chapter shall not apply to the services of personnel of

the United States army, navy, air force or marine corps, or to registered nurses doing any of the acts or works defined as cosmetology; and this chapter shall not apply to the teaching or practice of cosmetology in training public school or trade school pupils.

"This chapter shall not apply to any person who only occasionally dresses hair and receives no compensation therefor, or does any other act or thing mentioned in subdivision (1) of subsection (a) of section 34-7-1, without holding herself or himself out to the public as a practicing cosmetologist, as defined in this chapter."

"§ 34-7-40.

"(a) The Alabama board of cosmetology shall consist of 10 persons, all of whom must be licensed cosmetologists, and citizens of this state for at least five years prior to their appointment, for the purpose of carrying out and enforcing the provisions of this chapter. Such board shall be appointed by the governor. One member of such board shall reside in one of the following counties and shall be deemed to represent all of these counties: Mobile, Washington, Clark, Monroe, Wilcox and Choctaw; another member shall reside in one of the following counties and shall be deemed to represent all of these counties: Montgomery, Lowndes, Butler, Crenshaw, Pike, Covington, Conecuh, Escambia and Baldwin; another member shall reside in one of the following counties and shall be deemed to represent all of these counties: Tallapoosa, Chambers, Lee, Macon, Bullock, Russell, Barbour, Coffee, Dale, Henry, Geneva and Houston; another member shall reside in one of the following counties and shall be deemed to represent all of these counties: Calhoun, St. Clair, Talladega, Cleburne, Clay, Randolph, Coosa, Elmore, Autauga and Dallas; another member shall reside in one of the following counties and shall be deemed to represent all of these counties: Jefferson, Tuscaloosa, Pickens, Bibb, Shelby, Chilton, Perry, Hale, Greene, Sumter and Marengo; another member shall reside in one of the following counties and shall be deemed to represent all of these counties: Franklin, Marion, Lamar, Fayette, Winston, Walker, Cullman, Blount, Marshall, Etowah, DeKalb and Cherokee; another member shall reside in one of the following counties and shall be deemed to represent all of these counties: Lauderdale, Colbert, Lawrence, Limestone, Morgan, Madison and Jackson; three members shall reside in Jefferson County.

"(b) The members of the board shall be at least 25 years of age, must have had at least five years practical experience in the majority of the practices of cosmetology. Board members shall be appointed for terms of five years. Vacancies on the board shall be filled by the governor for the unexpired terms. Only one member of the board shall be a member of or affiliated with a school of cosmetology. Said board may do all things necessary and convenient for enforcing the provisions of this chapter. The board may from time to time promulgate necessary rules and regulations compatible with the provisions of this act. Any board member may be removed by the governor for just cause.

"(c) The board shall publish all its rules and regulations, together with a copy of this chapter and its amendments, and distribute the same to all licensees affected by the same. Amendments and changes in said rules and regulations shall likewise be published by the board and distributed to the licensees hereunder. The rules and regulations so published and distributed must be retained in each shop or school licensed by the board and must be available at all times to personnel in each shop or school and available to the general public where interest is manifested.

"(d) No rule or regulation of the board, or amendment or repeal of an existing rule or regulation, shall be effective until 20 days after written notice thereof shall have been given to each beauty shop owner and cosmetology school licensed under this chapter, but the failure of any such persons to receive the notice shall not invalidate the rule or regulation, amendment or repeal, except upon proof that the failure to give the notice was a willful violation of this requirement."

"§ 34-7-42.

"Members of the board shall be paid \$35.00 \$50.00 per day for transaction of board business, not to exceed 50 days during any calendar year. Such board members shall also receive travel expenses and expenses as other state employees. Such compensation and expenses shall be paid from funds derived from the operation of this chapter and deposited in the state treasury to the use of the board, upon requisition signed by the president and treasurer of the board and on warrant of the state comptroller. Any money remaining in this fund at the end of each fiscal year shall remain on deposit in the state treasury for the use of the Alabama Board of Cosmetology."

"§ 34-7-46.

"Any investigation, inquiry or hearing which the said board is empowered by this chapter to hold or undertake may be held or undertaken by, or held before, any four members a majority of said board, and shall be deemed to be the finding or order of said board when approved and confirmed by a majority of said board."

Section 5. Sections 34-7-8, 34-7-13, 34-7-14, 34-7-22, and 34-7-23 of the Code of Alabama 1975, are hereby repealed and shall have no further force or effect of law.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 46; Nays 1.

Yeas:

Reps.: Albright, Bedsole, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Clark (G), Clark (W), Cosby, Dial, Edwards, Goodwin, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Howard, Johnson (R. G.), Kennedy, Letson, McMillan, Minus, Moore, Naramore, Olive, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (M), Stewart, Stout, Turner, Whatley, Williams and Willis.

—46

Nay: Rep. Wyatt.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Whatley offered the following amendment to the bill, H. 104 as amended:

Amend Sunset Committee Substitute to House Bill 104, Section 4, Page 8, at the beginning of line 16, by striking solons and inserting in lieu thereof salons.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Clark (G), Clark (W), Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Holley, Howard, Johnson (R. G.), Kennedy, Langford, McKee, McMillan, Minus, Moore, Naramore, Olive, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

MOTION TO TEMPORARILY POSTPONE

Rep. McKee offered the motion to temporarily postpone further consideration of the bill, H. 104 as amended.

MOTION TO TABLE LOST

The motion offered by Rep. Whatley to table the motion to postpone offered by Rep. McKee, was lost.

Yeas 26; Nays 43.

Yeas:

Mr. Speaker, Barton, Bowling, Brakefield, Cabaniss, Dial, Escott, Gafford, Grimsley, Grouby, Hammett, Harrison, Letson, Minus, Moore, Naramore, Olive, Owens, Patton, Pegues, Ray, Roberts, Sandusky, Ward, Whatley and Willis.

—26

Nays:

Reps.: Adams (C), Albright, Bedsole, Blake, Carothers, Cheatwood, Clark (W), Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Hall, Harper (O), Harvey, Holmes, Howard, Johnson (R. G.), Laird, Langford, Lewis, McKee, McMillan, Mitchell, Parker, Penry, Rains, Reed, Riddick, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Turner, Williams, Wyatt and Zoghby.

—43

H. 104 TEMPORARILY POSTPONED

The question was then on the motion offered by Rep. McKee to temporarily postpone further consideration of the bill, H. 104 as amended, and the motion was adopted.

Yeas 45; Nays 19.

Yeas:

Reps.: Adams (C), Albright, Bedsole, Blake, Cabaniss, Carothers, Cheatwood, Clark (G), Coburn, Crow, Daniels, Dial, Dixon, Edwards, Escott, Gilmer, Goodwin, Grouby, Hall, Harper (O), Harper (T), Holmes, Johnson (R. G.), Laird, Langford, McKee, Olive, Parker, Payne, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Turner, Williams, Willis, Wyatt and Zoghby.

—45

Nays:

Reps.: Amari, Barton, Bowling, Brakefield, Buskey, Cosby, Hammett, Harrison, Howard, Kelley, Letson, Lewis, McMillan, Minus, Naramore, Owens, Patton, Penry and Whatley.

—19

H. 98 RESUMED
AMENDMENT OFFERED

Rep. Dixon offered the following amendment to the bill, H. 98 as amended:

In the Title, page 2, delete entirely lines 6 through 16, and insert in lieu thereof:

lower minimum age and educational requirements for funeral director and embalmer apprentices;

On page 7, lines 25 and 26, remove the language which reads, "\$50.00 up to \$100.00, the exact amount to be set by the board" and insert in lieu thereof: \$50.00

On page 7, line 35, delete the figures, "\$50.00 \$100.00" and insert in lieu thereof: \$50.00

On page 8, delete lines 16 through 20, and insert in lieu thereof the following:

fee payable by a licensed funeral director shall be \$15.00, by a licensed embalmer \$15.00, and by a licensed operator \$50.00.

On pages 8 and 9, delete line 37 on page 8 and lines 5 through 12 on page 9, and insert in lieu thereof the following:

and is accompanied by all fees, from the time of the lapse to date of reinstatement.

On page 9, delete lines 22 and 23 and insert in lieu thereof the following:
application by the fee of \$50.00, whereupon the board

Also on page 9, delete lines 36 and 37 and insert in lieu thereof the following:

fee of \$50.00.

On page 10, remove all underlined language appearing on lines 17, 18, and 19.

On page 11, delete lines 7 and 8 and insert in lieu thereof the following:
and shall be accompanied by an application fee of \$100.00.

On page 12, lines 5 and 6 and on lines 34 and 35, remove the language, "of \$10.00 to be established by the board, not to exceed \$20.00," and insert in lieu thereof (in both places) the following: of \$10.00.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 46; Nays 10.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Blake, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dixon, Edwards, Grouby, Hall, Harper (T), Harvey, Kelley, Letson, Lewis, McKee, McMillan, Moore, Naramore, Parker, Payne, Penry, Rains, Riddick, Roberts, Sasser, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Williams, Willis and Zoghby.

—46

Nays:

Reps.: Barton, Hammett, Johnson (R. G.), Johnson (R), Manley, Minus, Mitchell, Pegues, Whatley and Wyatt.

—10

And the bill:

H. 98. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Services as provided in Sections 34-13-1 through 34-13-134 and Sections 34-13-150 through 34-13-152 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-13-4, 34-13-10, 34-13-23, 34-13-28, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131; and to repeal Section 34-13-30 of the Code of Alabama 1975 so as to: Eliminate the requirement of the board to distribute statutes and regulations each four years and instead distribute only upon request; declare certain violations as misdemeanors and allow appropriate prosecution; provide further clarification concerning travel expenses of the board; require annual reporting to the Governor and to the Legislature instead of to the Secretary of State; authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; distribute directory of licensees only on request instead of annually; lower minimum age and educational requirements for funeral director and embalmer apprentices; require apprentice time to be supervised; and to repeal a provision of law which transferred funds to the board from its predecessor board, the purpose of which has been served.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cheatwood,

Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—76

Nays: Reps.: Bennett and Escott.

—2

And the bill:

H. 105. To terminate the existence and functioning of the State Board of Registration for Sanitariums, and to transfer its training funds or monies, duties and functions to the State Health Department.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Dial, Dixon, Drinkard, Escott, Ford, Gafford, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Holmes, Howard, Johnson (R. G.), Kelley, Laird, Lewis, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—73

MOTION TO ADJOURN LOST

The motion offered by Rep. Reed that the House adjourn until 1:00 o'clock p.m., Tuesday, March 17, 1981, was lost.

Yeas 12; Nays 47.

Yeas:

Reps.: Buskey, Cheatwood, Clark (G), Clark (W), Cobb, Escott, Horn, Kennedy, Manley, Parker, Roberts and Trammell.

—12

Nays:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Blake, Cates, Coburn, Cooley, Cosby, Crow, Dial, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Holmes, Jackson, Johnson (R. G.), Kelley, Laird, Langford, Letson, McMillan, Mitchell, Moore, Owens, Pegues, Penry, Rains, Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Venable, Ward, Whatley, Willis, Wyatt and Zoghby.

—47

BILLS ON SPECIAL ORDER RESUMED

And the bill:

H. 106. To repeal Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, as amended, so as to terminate the existence and functioning of the Alabama Board of Social Work Examiners, to provide for an effective date, and to revert any monies of said board to the state general fund.

Was taken up.

SUBSTITUTE OFFERED

Reps. Drinkard and Reed offered the following substitute to the bill, H. 106:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Social Work Examiners as provided in Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, with certain modifications; to amend Section 34-30-26 of the Code of Alabama 1975, so as to specifically provide that failure to actively practice social work shall not be a basis for denying a license renewal provided all fees are paid.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Social Work Examiners, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-30-20 through 34-30-58, Code of Alabama 1975, with the additional recommendations for statutory changes of the board's licensing procedure as set out in Section 4 hereof.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Board of Social Work Examiners, created and functioning pursuant to Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, are hereby continued.

Section 4. Section 34-30-26 of the Code of Alabama 1975, is hereby amended to read as follows:

"Section 34-30-26. (a) All licenses and certificates under this chapter shall be effective when issued by the State Board of Social Work Examiners.

"(b) All licenses and certificates issued by the board shall expire on the last day of the month in the calendar year that is exactly two years from the calendar year and month in which the license or certificate is issued.

"(c) A license or certificate may be renewed by the payment of the renewal fee set by the board and by the execution and submission on a form provided by the board of a sworn statement by the applicant that his license or certificate has been neither revoked nor currently suspended.

"(d) At the time of license renewal, each applicant shall present satisfactory evidence that in the period since the license was issued, such applicant has completed the continuing education requirements specified by the board. At the time of license renewal, the board may, in its discretion, waive the continuing education requirement upon a showing by an applicant that prolonged illness or other extenuating circumstances prevented completion of such requirements. A waiver shall not be granted to any applicant twice in succession.

"(e) The application for renewal must be made within 60 days after the expiration of the license or the termination of the period of suspension.

"(f) No licensee shall be denied a license renewal based on the fact that such licensee has not actively practiced social work for the previous licensing period, provided that all licensing renewal fees have been paid to the board by the licensee."

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Cosby to table the substitute offered by Reps. Drinkard and Reed to the bill, H. 106, was lost.

Yeas 24; Nays 61.

Yeas:

Mr. Speaker, Albright, Cabaniss, Carothers, Cates, Clark (G), Cosby, Dial, Gilmer, Hall, Hammett, Holley, Holmes, Jackson, Langford, Manley, Minus, Payne, Pegues, Ray, Sasser, Seibels, Shoemaker and Whatley.

—24

Nays:

Reps.: Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, Lewis, McKee, McMillan, Naramore, Nevett, Olive, Owens, Parker, Patton, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Waggoner, Williams, Willis, Wyatt and Zoghby.

—61

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute offered by Reps. Drinkard and Reed to the bill, H. 106, and the substitute was adopted.

Yeas 67; Nays 14.

Yeas:

Reps.: Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Goodwin, Grouby, Harper (O), Harper (T), Harvey, Horn, Howard, Johnson (R. G.),

Johnson (Roy), Kelley, Kennedy, Laird, Letson, Lewis, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Williams, Willis, Wyatt and Zoghby.

—67

Nays:

Reps.: Cabaniss, Cosby, Dial, Gilmer, Hall, Hammett, Holley, Holmes, Langford, Minus, Payne, Pegues, Seibels and Whatley.

—14

And the bill:

H. 106. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Social Work Examiners as provided in Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, with certain modifications; to amend Section 34-30-26 of the Code of Alabama 1975, so as to specifically provide that failure to actively practice social work shall not be a basis for denying a license renewal provided all fees are paid.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 15.

Yeas:

Reps.: Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Buskey, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Goodwin, Gregg, Grouby, Harper (O), Harper (T), Harrison, Harvey, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Letson, Lewis, McKee, McMillan, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—67

Nays:

Reps.: Cabaniss, Cosby, Dial, Gilmer, Hall, Hammett, Holley, Holmes, Horn, Jackson, Langford, Manley, Minus, Pegues and Whatley.

—15

And the bill:

H. 107. To repeal Sections 10-4-360 through 10-4-364 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Yacht Club Association and to provide for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Edwards, Escott, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—81

Nay: Rep. Jackson.

—1

And the bill:

H. 108. To terminate the state agency for social security, and its advisory board, created by Section 36-28-3, Code of Alabama 1975, and to transfer the functions, duties and responsibilities, including any federal contractual obligations, to the state retirement systems; to provide that all monies collected by the board, and thereafter by the retirement systems, shall be transferred to the state treasury and that any accrued interest thereon shall be credited to the state general fund, and to provide that the provisions hereof shall become effective September 30, 1981.

Was taken up.

SUBSTITUTE OFFERED

Rep. Grouby offered the following substitute No. 1 to the bill, H. 108:

A BILL TO BE ENTITLED AN ACT

To continue the creation and operation of the state agency for social security; and its advisory board, created by Section 36-28-3, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. The state agency for social security and the state social security advisory board created by Section 36-28-3, Code of Alabama 1975, which together comprise the state agency for social security, and which are functioning pursuant to Sections 36-38-1 through 36-28-10, Code of Alabama 1975, are hereby continued.

Section 2. Sections 36-28-1 through 36-28-10, Code of Alabama 1975, are hereby continued.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Whatley, the substitute No. 1 offered by Rep. Grouby to the bill, H. 108, was tabled.

Yeas 52; Nays 27.

Yeas:

Mr. Speaker, Adams (C), Bedsole, Brakefield, Buskey, Cabaniss, Carothers, Cates, Clark (G), Clark (W), Coburn, Cosby, Dial, Edwards, Gilmer, Gregg, Hammett, Harper (O), Harper (T), Harvey, Holley, Jackson, Johnson (Roy), Kelley, Kennedy, Laird, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Parker, Payne, Pegues, Ray, Riddick, Sandusky, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Turner, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—52

Nays:

Reps.: Adams (H), Albright, Bennett, Blake, Boles, Bowling, Cheatwood, Cobb, Cooley, Crow, Goodwin, Grouby, Hall, Holmes, Horn, Howard, Johnson (R. G.), Langford, Letson, Nevett, Olive, Owens, Penry, Roberts, Seibels, Trammell and Wyatt.

—27

SUBSTITUTE OFFERED

Rep. Grouby offered the following substitute No. 2 to the bill, H. 108:

A BILL
TO BE ENTITLED
AN ACT

To continue the creation and operation of the state agency for social security; to transfer the director and other existing employment positions of the agency to the comptroller's division of the state finance department; to provide that as normal attrition reduces the staff, the number of positions shall be reduced to one director and five other permanent staff positions; to provide that the agency shall continue to perform those duties required by law; and to abolish the advisory board of the state agency for social security.

Be It Enacted by the Legislature of Alabama:

Section 1. The state agency for social security created and operating pursuant to Code of Alabama 1975, Sections 36-28-1 through 36-28-10 is hereby continued; however, the director and existing staff members, as of the effective date of this act, shall be transferred to the comptroller's division of the state finance department. The agency shall continue to perform those duties and functions as are required by law. The staff of the agency shall be reduced, by the process of attrition, to a total of five positions and a director. Thereafter the agency shall be composed of one director and five other permanent employee positions. The state social security advisory board, created by Section 36-28-3, Code of Alabama 1975, is hereby abolished and shall have no further legal existence.

Section 2. The provisions of Sections 36-28-1 through 36-28-10 are hereby continued. It is further provided that those portions of Section

36-28-3, and any other portions of law as may be applicable, which relate to the state social security advisory board or its operations shall be repealed by the terms of this act.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Whatley, the substitute No. 2 offered by Rep. Grouby to the bill, H. 108, was tabled.

Yeas 45; Nays 26.

Yeas:

Mr. Speaker, Adams (C), Bedsole, Brakefield, Buskey, Cabaniss, Carothers, Cates, Clark (G), Clark (W), Cosby, Dial, Dixon, Gilmer, Hammett, Harper (O), Harper (T), Harvey, Holley, Jackson, Johnson (Roy), Laird, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Owens, Parker, Payne, Pegues, Ray, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Turner, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—45

Nays:

Reps.: Bennett, Blake, Bowling, Cheatwood, Cobb, Cooley, Crow, Daniels, Escott, Gregg, Holmes, Horn, Howard, Johnson (R. G.), Langford, Letson, Moore, Nevett, Olive, Penry, Rains, Riddick, Roberts, Stewart, Trammell and Wyatt.

—26

And the bill, H. 108, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 29.

Yeas:

Mr. Speaker, Adams (C), Albright, Bedsole, Brakefield, Buskey, Cabaniss, Carothers, Cates, Clark (G), Clark (W), Coburn, Cosby, Dial, Dixon, Goodwin, Gregg, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Jackson, Johnson (Roy), Kelley, Kennedy, Laird, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Owens, Parker, Payne, Pegues, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (M), Stewart, Turner, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—53

Nays:

Reps.: Adams (H), Bennett, Blake, Boles, Bowling, Cheatwood, Cobb, Cooley, Crow, Daniels, Drinkard, Escott, Ford, Grouby, Holmes, Horn, Howard, Johnson (R. G.), Langford, Letson, Moore, Nevett, Olive, Penry, Rains, Ray, Roberts, Trammell and Wyatt.

—29

MOTION TO ADJOURN LOST

The motion offered by Rep. Smith (M) that the House adjourn until 1:00 o'clock p.m., Tuesday, March 17, 1981, was lost.

Yeas 29; Nays 43.

Yeas:

Reps.: Brakefield, Buskey, Clark (G), Clark (W), Cobb, Coburn, Dixon, Escott, Goodwin, Grouby, Harper (O), Holmes, Johnson (Roy), Kelley, Manley, Minus, Moore, Olive, Reed, Roberts, Sasser, Shoemaker, Smith (J), Smith (M), Stewart, Trammell, Turner, Willis and Zoghby.

—29

Nays:

Reps.: Adams (C), Albright, Bedsole, Biddle, Blake, Bowling, Cabaniss, Carothers, Cates, Cooley, Cosby, Crow, Dial, Gafford, Gregg, Grimsley, Hall, Hammett, Harvey, Holley, Howard, Laird, Langford, Letson, McKee, McMillan, Mitchell, Naramore, Nevett, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Seibels, Turnham, Venable, Ward, Whatley, Williams and Wyatt.

—43

BILLS ON SPECIAL ORDER RESUMED

And the bill, H. 102 as amended and previously temporarily postponed, was again taken up.

AMENDMENT OFFERED

Rep. Seibels offered the following amendment to the bill, H. 102 as amended:

On page 1, in the title, on line 24, delete the numbers "34-29-4".

On page 1, in the title, on line 25, delete the phrase: 34-29-41, and 34-29-45

On page 1, in the title, delete lines 27 through 31 in their entirety and the words "animal technicians, not to exceed \$15.00;" on line 32.

On page 2, in Section 4, delete lines 18 through 20 in their entirety and substitute in lieu thereof:

Section 4. Sections 34-29-20 and 34-29-23 of the Code of Alabama 1975 are hereby amended to read as follows:

In Section 4, on page 2, delete lines 21 through 37 in their entirety and on page 3 delete lines 4 through 37 in their entirety and on page 4 delete lines 4 through 23 in their entirety.

In Section 4, on page 5, on line 17, delete "\$100.00" and substitute in lieu: \$50.00

In Section 4, on page 5, delete lines 34 through 37 in their entirety and on page 6, delete lines 4 through 37 in their entirety and on page 7 delete lines 4 through 9 in their entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 53; Nays 11.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bennett, Biddle, Blake, Boles, Buskey, Cabaniss, Carothers, Cheatwood, Clark (G), Clark (W), Cobb, Dixon, Edwards, Gafford, Gilmer, Gregg, Grimsley, Hall, Harper (O), Holmes, Horn, Johnson (Roy), Kelley, Langford, Letson, McKee, Manley, Minus, Mitchell, Moore, Nevett, Owens, Parker, Payne, Rains, Ray, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Turner, Venable, Waggoner, Ward, Williams and Wyatt.

—53

Nays:

Reps.: Bedsole, Brakefield, Cates, Hammett, Holley, Howard, Johnson (R. G.), McMillan, Naramore, Olive and Penry.

—11

And the bill:

H. 102. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-20, 34-29-23 of the Code of Alabama 1975, so as to: limit board members to two terms; and to provide further for the compensation of board members.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Owens, Parker, Payne, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Stewart, Turner, Venable, Waggoner, Ward, Whatley, Williams and Wyatt.

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H. 104 RESUMED
SUBSTITUTE OFFERED

Rep. McKee offered the following substitute to the bill, H. 104 as amended:

A BILL
TO BE ENTITLED
AN ACT

Relating to the continued existence and functioning of the Board of Cosmetology provided for in Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, and as otherwise provided by law.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Board of Cosmetology, and voted to recommend the continuance of said authority, created and functioning pursuant to Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, and hereby recommends the continuance of the said agency and all provisions of law pertaining thereto.

Section 2. The legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this Act.

Section 3. Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, relating to the Board of Cosmetology are hereby continued.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO POSTPONE TABLED

On motion of Rep. McKee, the motion offered by Rep. Smith (M) to postpone further consideration of the bill, H. 104 as amended and with pending substitute, to the eleventh legislative day, was tabled.

Yeas 45; Nays 24.

Yeas:

Mr. Speaker, Bedsole, Blake, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Cooley, Dixon, Drinkard, Edwards, Ford, Gilmer, Gregg, Grimsley, Grouby, Harvey, Howard, Johnson (Roy), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Owens, Patton, Payne, Penry, Rains, Reed, Riddick, Sasser, Seibels, Stewart, Turner, Venable, Whatley, Williams and Wyatt.

—45

Nays:

Reps.: Adams (H), Albright, Biddle, Bowling, Brakefield, Clark (W), Cobb, Cosby, Escott, Hall, Harper (O), Holmes, Horn, Johnson (R. G.), Lewis, Moore, Olive, Parker, Pegues, Smith (C), Smith (M), Starkey, Ward and Zoghby.

—24

MOTION TO TABLE LOST

The motion offered by Rep. Whatley to table the substitute offered by Rep. McKee to the bill, H. 104 as amended, was lost.

Yeas 27; Nays 48.

Yeas:

Reps.: Albright, Bowling, Brakefield, Buskey, Clark (W), Cooley, Cosby, Daniels, Drinkard, Gregg, Hammett, Harvey, Howard, Kennedy, Manley, Minus, Moore, Naramore, Owens, Patton, Pegues, Riddick, Roberts, Shoemaker, Smith (M), Whatley and Zoghby.

—27

Nays:

Mr. Speaker, Adams (C), Adams (H), Bennett, Blake, Boles, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Crow, Dixon, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, McKee, McMillan, Mitchell, Nevett, Olive, Parker, Payne, Penry, Rains, Sasser, Seibels, Smith (C), Stewart, Turner, Venable, Ward, Williams, Willis and Wyatt.

—48

PERMISSION GRANTED

Permission was granted for the Journal to show that Rep. Bennett inadvertently voted "Nay" on the bill, H. 98 as amended, and intended to vote "Yea".

MOTION TO TEMPORARILY POSTPONE TABLED

The question was again on the substitute offered by Rep. McKee to the bill, H. 104 as amended, and on motion of Rep. McKee, the motion offered by Rep. Whatley to temporarily postpone further consideration of the bill, H. 104 as amended and with pending substitute, was tabled.

Yeas 56; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bedsole, Bennett, Blake, Boles, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Daniels, Dixon, Edwards, Gilmer, Grimsley, Grouby, Harper (O), Holley, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Nevett, Olive, Owens, Parker, Payne, Penry, Rains, Roberts, Shoemaker, Smith (J), Stewart, Turner, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—56

Nays:

Reps.: Albright, Bowling, Coburn, Cooley, Cosby, Drinkard, Escott, Hall, Harvey, Howard, Letson, Manley, Minus, Naramore, Patton, Pegues, Reed, Seibels, Smith (C), Smith (M), and Whatley.

—21

SUBSTITUTE ADOPTED

The question was again on the substitute offered by Rep. McKee to the bill, H. 104 as amended, and the substitute was adopted.

Yeas 54; Nays 17.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bennett, Blake, Boles, Carothers, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dixon, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Harper (O), Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, McKee, McMillan, Nevett, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Turner, Venable, Williams, Willis, Wyatt and Zoghby.

—54

Nays:

Reps.: Albright, Bedsole, Bowling, Brakefield, Cooley, Escott, Hall, Hammett, Howard, Letson, Minus, Moore, Naramore, Patton, Pegues, Smith (M), and Whatley.

—17

And the bill:

H. B. 104. Relating to the continued existence and functioning of the Board of Cosmetology provided for in Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, and as otherwise provided by law.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 9.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—70

Nays:

Reps.: Albright, Escott, Gregg, Hall, Howard, Moore, Patton, Smith (M) and Whatley.

—9

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 46. MOURNING THE DEATH OF WILLIAM N. McQUEEN.

Also:

S. J. R. 48. CONGRATULATING MISS KATHRINA DENISE GUNN, IMPERIAL DEBUTANTE QUEEN.

Also:

S. J. R. 49. HONORING DR. BEATRYCE T. NEWTON, ASSOCIATE PROFESSOR OF EDUCATION, UNIVERSITY OF ALABAMA IN BIRMINGHAM.

Also:

S. J. R. 64. HONORING AND CONGRATULATING COACH CHARLES MILLER OF TALLADEGA HIGH SCHOOL.

Also:

S. J. R. 65. COMMENDING AND CONGRATULATING THE TUSCALOOSA ACADEMY KNIGHTS, STATE BASKETBALL CHAMPIONS, ALABAMA PRIVATE SCHOOL ASSOCIATION.

Also:

S. J. R. 66. NAMING OCTOBER 23, 1981, IN HONOR OF PAUL W. BRYANT OF THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 68. CONGRATULATING KINSTON HIGH SCHOOL, STATE 1A BASKETBALL CHAMPIONS.

Also:

S. J. R. 69. COMMENDING NEW BROCKTON HIGH SCHOOL, STATE 2A BASKETBALL CHAMPIONS.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolution and House Bill hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:05 P.M. on March 5, 1981.

H. 11

H. J. R. 126

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Patton and pursuant to the resolution, H. R. 127, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, March 17, 1981.

ELEVENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 17, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Glen Vernon, Director, Citronelle Baptist Camp, Citronelle, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the tenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the tenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Greer, leave of absence was granted for Rep. Starkey, due to illness.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 131. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, March 17, 1981, we adjourn to meet again on Thursday, March 19, 1981, at 10:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 131, was adopted.

Also:

By Rep. Manley:

H. J. R. 132. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That when we adjourn on Tuesday, March 17, we adjourn to meet again on Thursday, March 19; when we adjourn on Thursday, March 19, we adjourn to meet again on Tuesday, March 24; when we adjourn on Tuesday, March 24, we adjourn to meet again on Thursday, March 26; and when we adjourn on Thursday, March 26, we adjourn to meet again on Tuesday, March 31, all dates hereinabove stated being in the year 1981.

On motion of Rep. Manley, the rules were suspended and the resolution, H. J. R. 132, was adopted.

Also:

By Rules Committee:

H. R. 133. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business March 17, 1981, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Carothers:

H. 213 p. 8 Abolish Healing Arts Board

By Rep. Carothers:

H. 214 p. 8 Create the Medical Licensure Commission

By Rep. Ward:

H. 291 p. 17 Voluntary prayer in all public schools

By Rep. Payne:

H. 191 p. 7 Incorporation of municipalities

By Rep. Manley:

H. 510 p. 40 Tax disclaimer

By Rep. Owens:

H. 151 p. 26 Aeronautics Commission

By Rep. Naramore:

H. 184 p. 94 Surface Mining Commission created

By Rep. Pegues:

H. 115 p. 18 C/A Municipalities

By Rep. Adams (C):

H. 537 p. 82 Highway Finance Corporation, bonds

By Rep. Bedsole:

H. 174 p. 13 Filling vacancies local boards of education

By Rep. Boles:

H. 409 p. 32 Land resources information center

By Rep. Manley:

H. 381 p. 95 Printing of acts and resolutions

By Rep. Dixon:

H. 323 p. 30 Penalty for false fire alarms

By Rep. Drinkard:

H. 374 p. 83 Industrial Relations, police powers

By Rep. Cosby:

H. 596 p. 102 Class 5 municipalities, filling vacancies

By Rep. Shoemaker:

H. 337 p. 41 Seizures of property, Controlled Substances

By Rep. Edwards:

H. 155 p. 19 Competitive bids

REGULAR SESSION
11th Day

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By Rep. Minus:

H. 499 p. 77 License fees, alcoholic beverages

By Rep. Turnham:

H. 417 p. 76 Alabama Toll Road, Bridge & Tunnel Authority

By Rep. Venable:

H. 261 p. 36 C/A prohibits issuing tax exempt bonds

By Rep. Venable:

H. 259 p. 36 Prohibits issuing bonds exempt from taxes

By Rep. Venable:

H. 260 p. 36 Report bonds to state securities commission

By Rep. Venable:

H. 262 p. 37 10-year limit bond exemption

By Rep. Kelley:

H. 545 p. 84 2% production tax on oil and gas

By Rep. Kelley:

H. 546 p. 84 Oil and gas severance tax

By Rep. Biddle:

H. 134 p. 6 Flashing blue lights

By Rep. Johnson (R. G.):

H. 216 p. 34 Drug identification

By Rep Adams (C):

H. 71 p. 19 Counties, workmens compensation and health

By Rep. Bedsole:

H. 254 p. 33 Hospitals to report disciplinary actions

By Rep. Johnson (R. G.):

H. 217 p. 70 Third Party Prescription Program Act

By Rep. Letson:

H. 471 p. 71 Election county superintendent of education

By Rep. Dixon:

H. 175 p. 34 17 years of age to donate blood

By Rep. Crow:

H. 282 p. 16 Conservation and Natural Resources

By Rep. Greer:

H. 467 p. 56 Registration of vessels

By Rep. Edwards:

H. 154 p. 19 Small municipalities, competitive bids

Rep. Cabaniss:

H. 239 p. 50 State Dept. of Insurance, examiners

By Rep. Biddle:

H. 135 p. 6 Real Estate Commission

By Rep. Kelley:

H. 547 p. 85 Benefits, unemployment

By Rep. Sasser:

H. 132 p. 80 One strike jury system

By Rep. Gafford:

H. 557 p. 71 Advertising rate

On motion of Rep. Biddle, the resolution, H. R. 133, was adopted.

BILLS ON SECOND READING

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 135. To amend Code of Alabama, 1975, § 16-13-52, to authorize the State Superintendent of Education to approve an alternate four month reporting period of student attendance for the purpose of determining the number of teachers earned under the minimum program formula.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 648. Relating to Coosa County; enunciating legislative intent; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

H. 649. Relating to Coosa County; providing further for the issuance of pistol permits by the sheriff, the fees therefor and the use of such fees; repealing specifically Act No. 121, H. 22 of the 1971 Regular Session (Acts 1971, p. 204), as amended, entitled, "An Act Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census; fixing the fees for issuance of pistol permits by the sheriff and providing for distribution and use of such fees," and repealing conflicting laws.

H. 650. To provide that the county commission of Coosa County shall pay all deputy sheriffs a starting salary of \$900.00 per month. The chief deputy shall be entitled to a salary of not less than \$75.00 per month more than a deputy. A sergeant will draw \$30.00 per month more than a deputy.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 583. To authorize any county of this State having a population of 600,000 or more, according to the 1970 or any succeeding federal decennial census, to reimburse any officer or employee of such county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this act and to establish rules and regulations prescribing the conditions on which payments under this Act shall be made.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Reps. Hines, Cates and Hammett, due to illness.

At the request of Rep. Campbell, leave of absence was granted for Rep. Dial.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Minus:

H. 654. To provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by majority vote of members attending a meeting called to consider conversion.

Banking.

By Rep. Hall (With Notice and Proof):

H. 655. To amend further Sections 3 and 4 of Act No. 324, S. 356, Local Acts of the Legislature 1923 (Local Acts 1923, p. 216), as amended, relating to the establishment of the county commission for Madison County, Alabama, so as to redefine the boundaries of the commissioner's districts in said county and provide further for the election of the members and chairman of such commission and to provide for referendum approval of such redefinition of such districts.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 655, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Letson (With Notice and Proof):

H. 656. To amend Section 1 of Act No. 291, H. 781, Regular Session 1955 (Acts of Alabama 1955, p. 684), providing for the election of the county

superintendent of education of Lawrence County so as to further provide for the election to fill a vacancy in the event a successful candidate dies prior to taking office.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 656, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dixon:

H. 657. To amend Section 34-9-6, Section 34-9-7, Section 34-9-9, Section 34-9-18, Section 34-9-19, Section 34-9-20, Section 34-9-42, Section 34-9-43, and Section 34-9-46, Code of Alabama 1975, relating to the practice and teaching of dentistry and providing for the licensing and regulation of persons engaged in the practice and teaching of dentistry, dental hygiene, or the operation of dental laboratories; providing further for the operation of the State Board of Dental Examiners; and to provide penalties for certain violations.

Health.

By Reps. Gilmer and Payne:

H. 658. To amend Section 16-24-2, Code of Alabama 1975, relating to the criteria for continuing service status for teachers and principals, so as to alter said criteria.

Education.

By Reps. Cosby, Edwards and Pegues (With Notice and Proof):

H. 659. Relating to Dallas County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 659, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cosby, Edwards and Pegues (With Notice and Proof):

H. 660. Relating to Dallas County; amending Act No. 136, H. 119, 1967 Regular Session (Acts 1967, p. 187), which provides for the issuance of a pistol permit, so as to increase the fee for said permit.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 660, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cosby, Edwards and Pegues (With Notice and Proof):

H. 661. Relating to Dallas County; to provide for a continuous system of compensation for election officers.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 661, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Cosby:

H. 662. To amend section 41-16-51, Code of Alabama 1975, as amended, relating to competitive bids so as to exempt purchases of Local Housing Authorities organized under Chapter 1, Title 24, Code of Alabama 1975, from monies other than those raised by state, county or city taxation or received through appropriations from state, county or city sources.

State Administration.

By Rep. Pegues (With Notice and Proof):

H. 663. Relating to Perry County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 663, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Hall:

H. 664. To amend § 41-4-156, Code of Alabama, 1975, to add the municipal clerks of incorporated municipalities to the list of persons receiving acts of the Legislature.

Ways and Means.

By Rep. Warren (With Notice and Proof):

H. 665. Relating to Conecuh County; regulating and providing for the payment of compensation of election officers.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 665, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Moore:

H. 666. To amend section 34-24-230 of the Code of Alabama 1975 relating to definitions as used in the regulation of podiatry, so as to amend further certain definitions.

Public Welfare.

By Rep. Moore (with Notice and Proof):

H. 667. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Leeds, in Jefferson County.

Local Government.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 667, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Moore (With Notice and Proof):

H. 668. Relating to Shelby County; amending Act No. 80-408, H. 809, 1980 Regular Session (Acts 1980, p. 567), which provides for voter reidentification in Shelby County, so as to extend the time limit, provide for the compensation of the board of registrars and to make certain provisions of this Act retroactive to the date of the original Act No. 80-408, viz May 8, 1980.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 668, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coburn and Goodwin (With Notice and Proof):

H. 669. Relating to Colbert County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 669, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Coburn and Goodwin (With Notice and Proof):

H. 670. To repeal Act No. 2454, H. 2806, 1971 Regular Session (Acts 1971, p. 3921), entitled, "An Act Relating to counties having populations of not less than 49,000 nor more than 51,000, according to the most recent federal decennial census; fixing the fee for issuance of pistol permits by the sheriff and providing for distribution and use of such fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 670, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cooley and Drinkard:

H. 671. To amend Sections 25-5-110, 25-5-113, 25-5-114, 25-5-117, 25-5-120, 11-43-144 and 36-30-7 of the Code of Alabama 1975, so as to redefine occupational diseases of firefighters and the related manner and procedures for compensation of such.

State Administration.

By Rep. Whatley:

H. 672. To amend Section 2-21-24, Code of Alabama 1975, regarding collection of inspection fees by distributors of commercial feed; to allow the State Board of Agriculture and Industries to set the inspection fee at \$.30 per ton.

Agriculture and Forestry.

By Rep. Whatley:

H. 673. To amend Section No. 2-21-29, Code of Alabama 1975, pertaining to the assessment of penalties for feed deficiencies against the guarantor of the feed in the amount of 5% of the purchase price of the product for a deficiency guaranteed on the label and 10% for each additional, "permitted analytical variation" deficiency to be paid to the consumer of the feed; to also assess a penalty against the guarantor of the feed in an amount of twice the amount of the penalty payable to the consumer with said additional penalty to be paid to the Commissioner of Agriculture and Industries to be deposited into the Agricultural fund.

Agriculture and Forestry.

By Rep. Manley:

H. 674. To further regulate insurance companies; to prohibit any health or accident insurance company from reducing in part or in whole any benefits payable under any health or accident policy in force upon which a claim is made; to allow any claimant to file on any or all policies under which he is insured without regard to the insurer or insurers; to authorize the commissioner of insurance to formulate, issue and promulgate any reasonable rules and regulations necessary to enforce the provisions of this act; and to repeal Sections 27-19-19, 27-17-20 and 27-19-21 of the Code of Alabama 1975.

Insurance.

By Rep. Manley:

H. 675. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in Marengo County.

Local Legislation No. 1.

By Rep. Manley:

H. 676. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineers of this state, so as to remove the requirement that they be registered land surveyors; to delete references to several county exceptions in the existing code section; and to provide for the state highway department's

partial payment of the salaries of county engineers as provided by Section 11-6-4, Code of Alabama 1975, regardless of the lack of qualification as a registered land surveyor.

State Administration.

By Rep. Harper (T) (With Notice and Proof):

H. 677. Relating to Mobile County; providing for the registration, licensing and regulation of buyers of gold and silver.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 677, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turnham:

H. 678. To provide that the finance department shall give any state agency the first priority on the purchase of any surplus, nonconsumable property of any other state agency or department; to repeal conflicting laws.

Ways and Means.

By Reps. Buskey, Stewart, Kennedy, Turner and Clark (W) (With Notice and Proof):

H. 679. Relating to Mobile County; to provide further for the compensation of election employees and officers.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 679, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Buskey:

H. 680. To repeal Act No. 263, S. 222, Special Session 1961 (Acts 1961, p. 2280), which Act provides for compensation of election officers in counties having a population of not less than 300,000 no more than 500,000, according to the latest federal decennial census.

Local Legislation No. 3.

By Reps. Seibels, Zoghby, Stewart, Bennett, Waggoner, Bedsole, Harper (T) and Kennedy:

H. 681. To amend Section 40-9-12, Code of Alabama 1975, relating to tax exemptions to certain organizations, so as to add the Greater Birmingham Arts Alliance and the Allied Arts Council of Metropolitan Mobile.

Ways and Means.

By Rep Turnham:

H. 682. To make a conditional appropriation from the Special Educational Trust Fund for the fiscal year ending September 30, 1982, to the Diabetic Institute at the University of Alabama in Birmingham.

Ways and Means.

By Rep. Zoghby (With Notice and Proof):

H. 683. To provide a supplement to the salaries of circuit court bailiffs in the Thirteenth Judicial Circuit.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 683, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Lewis, Howard, Boles, Bennett, Trammell and Jackson (With Notice and Proof):

H. 684. Relating to Jefferson County; fixing the salary of the deputy probate judge.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 684, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Riddick, Hall, Smith (M), Gregg, Smith (J) and Albright (With Notice and Proof):

H. 685. Relating to Madison County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 685, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Smith (J) and Carter (With Notice and Proof):

H. 686. To provide that the investigators of the district attorney of the Thirty-ninth Judicial Circuit shall have arrest powers in Limestone County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 686, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Payne:

H. 687. To provide for the method of incorporating a municipality and to provide certain exceptions.

Local Government.

By Rep. Amari:

H. 688. To amend Code of Alabama 1975, Section 34-23-70, which regulates the practice of pharmacy by amending such law to allow pharmacist to utilize trained employees to prepare and affix prescription labels under the supervision of the pharmacist and to measure and count prepared pharmaceutical preparations under the supervision of the pharmacist.

Health.

By Reps. Whatley and Adams (C):

H. 689. To amend Section 37-1-50 of the Code of Alabama 1975, which requires any utility abandoning all or any portion of its service to the public, except for non-payment of charges, to make application to the public service commission for a certificate therefor, so as to specifically include the closing of any office of any utility.

Commerce, Transportation and Utilities.

By Rep. Stewart (With Notice and Proof):

H. 690. To amend Section 1 of Act 80/342 of the 1980 Regular Session and to correctly designate a street name.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL, H. B. 690, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Langford, Wyatt, Holmes, Dixon and McKee:

H. 691. Relating to the 15th judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

Judiciary.

By Reps. Bennett, Dixon and Drinkard:

H. 692. To amend Section 16-23-2, Code of Alabama 1975, relating to the certification of teachers, so as to provide a schoolteacher the option of doing graduate work leading to a master's degree or beyond completely in his field and to be certified and paid as if teacher education courses had been a part of his curriculum.

Education.

By Reps. Manley and Minus:

H. 693. To amend Section 13A-6-45, Code of Alabama 1975, relating to interference with child custody, so as to alter the criminal penalty for violating said section.

Judiciary.

By Rep. Naramore:

H. 694. To amend further Code of Alabama 1975, § 32-5-313, relating to a penalty for a traffic infraction so as to increase the amount of the penalty and provide that the additional amount be used to fund courses of instruction in the driving of trucks.

Judiciary.

By Reps. Lewis, Jackson, Boles, Bennett, Trammell and Howard:

H. 695. To amend Section 40-9-12, Code of Alabama 1975, relating to tax exemptions to certain organizations, so as to add the Bessemer State Technical College Foundation.

Ways and Means.

By Rep. Cooley:

H. 696. To amend Section 22-25-9, Code of Alabama 1975, relating to the issuance of certificates to operate certain water systems, so as to provide for the renewal of certain lapsed licenses and to give this Act retroactive effect.

State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolution, your signature thereto is requested:

S. 6. To propose an amendment to the Constitution of Alabama relating to court costs and charges in Baldwin County.

Also:

S. 110. Relating to Etowah County; setting the compensation of supernumerary district attorneys and providing for a supplement from the general funds of such county under certain circumstances.

Also:

S. 165. Relating to Etowah County; providing further for mileage allowance for returning officers; providing for the payments of such mileage to be made from funds in the county treasury not otherwise appropriated, or in the case of municipal elections, such payments shall be made from municipal funds by the municipal governing body.

Also:

S. J. R. 52. PERMITTING THE JOINT INTERIM COMMITTEE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION TO REPORT ON THE TENTH LEGISLATIVE DAY RATHER THAN THE SIXTH.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate bills and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Rep. Ward:

H. J. R. 134. DESIGNATING THE FIRST WEEK IN JUNE, EACH YEAR, AS "ALABAMA GARDEN WEEK" IN OUR STATE.

WHEREAS, The Garden Club of Alabama, Inc., with member clubs throughout the entire State of Alabama, number approximately 10,000 adult members and 1,000 youth gardeners; and

WHEREAS, through the years this organization has been vitally interested in the promotion of gardening in all aspects, growing for beauty, shelter and food; and

WHEREAS, The National Council of State Garden Clubs, Inc., of which The Garden Club of Alabama, Inc., is a member, is vitally interested in having the first week in June each year officially designated "National Garden Week" by an act of the United States Congress, to draw attention to all phases of agriculture and so honor those therein engaged; and

WHEREAS, The Garden Club of Alabama, Inc., has expressed a desire

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the first week in June each year is hereby designated as Alabama Garden Week and is to be so observed in annual recognition of gardening interests within the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Arthur J. McCrary, president, on behalf of the membership of The Garden Club of Alabama, Inc.

On motion of Rep. Ward, the rules were suspended and the resolution, H. J. R. 134, was adopted.

RESOLUTION ADOPTED

The following resolution which was postponed on the tenth legislative day, was again taken up.

H. J. R. 69. MEMORIALIZING THE UNITED STATES CONGRESS TO CONSENT TO ALABAMA AND THE VARIOUS STATES ENTERING INTO REGIONAL COMPACTS OR AGREEMENTS TO RESOLVE PROBLEMS RELATED TO LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.

On motion of Rep. Bedsole, the resolution, H. J. R. 69, was adopted.

Yeas 60; Nays 8.

Yeas:

Reps.: Albright, Amari, Barton, Bedsole, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Cosby, Crow, Dixon, Edwards, Escott, Gilmer, Gregg, Grimsley, Hall, Harper (O), Harper (T), Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Lewis, McKee, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Turner, Turnham, Waggoner, Whatley, Williams, Willis, Wyatt and Zoghby.

—60

Nays:

Reps.: Cooley, Grouby, Harrison, Holley, Langford, Rains, Stout and Tucker.

—8

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 116. NAMING THE ATTALLA, ALABAMA, RECREATION BUILDING THE "WILLIE CARNES RECREATION BUILDING."

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 70. URGING GOVERNOR FOB JAMES TO ENTER INTO A CONFERENCE WITH OTHER GOVERNORS AND THE FEDERAL GOVERNMENT FOR ALABAMA PARTICIPATION IN THE DEVELOPMENT AND ESTABLISHMENT OF A REGIONAL COMPACT FOR LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.

On motion of Rep. Bedsole, the resolution, H. J. R. 70, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 120. HONORING THE ACCOMPLISHMENTS OF THE DALEVILLE HIGH SCHOOL'S FEMALE ATHLETES.

Also:

H. J. R. 123. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MR. CLAUDE RAY MARSH, PROMINENT BLOUNT COUNTY BUSINESSMAN AND CIVIC LEADER.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 443. Relating to the Eleventh Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally, or upon appeals to the circuit courts from lower courts.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Mitchell:

H. J. R. 135. NAMING THE LIBRARY AT TUSCALOOSA COUNTY HIGH SCHOOL, THE "LURLEEN B. WALLACE MEMORIAL LIBRARY."

WHEREAS, the beloved Chief Executive of the State of Alabama, Governor Lurleen Burns Wallace, died in office on May 7, 1968, at the early age of just 41 years; and

WHEREAS, much admired and respected and deeply loved by all who were privileged to know her, Governor Lurleen lives yet in the hearts of her people as a cherished memory to be honored by the grateful citizens of the

WHEREAS, Governor Lurleen Wallace, a native of Tuscaloosa County, was a graduate of Tuscaloosa County High School and it is deemed befitting by the members of this body that her memory be honored by the designation of the library at said school as the "Lurleen B. Wallace Memorial Library"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the library at Tuscaloosa County High School is hereby named and designated as the "Lurleen B. Wallace Memorial Library."

BE IT FURTHER RESOLVED, That appropriate signs and markers be erected and maintained so designating said library, and that the family of the late Governor Wallace be notified, by copy of this resolution, of these actions of the Alabama Legislature perpetuating the memory of our beloved Governor Lurleen.

On motion of Rep. Mitchell, the rules were suspended and the resolution, H. J. R. 135, was adopted.

Also:

By Rep. Adams (C):

H. J. R. 136. RECOGNIZING BILLY JACKSON FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, The Phenix City community has produced many outstanding athletes who have achieved greatness and national acclaim, bringing great credit upon themselves, their parents, coaches, teachers, church and civic leaders of Phenix City and Russell County, and to the State of Alabama as a whole; and

WHEREAS, the preponderance of these fine athletes have given first loyalty to their own people and institutions, electing to attend college in their native State of Alabama; and

WHEREAS, one of these outstanding young citizens of Phenix City, Billy Jackson, is completing his college athletic career in this 1980-81 academic year; and

WHEREAS, Billy Jackson cast his lot with the University of Alabama, the state's oldest and most revered institution, and is capping his brilliant career in the Sesquicentennial Year (150th anniversary) of The University of Alabama; and

WHEREAS, the immortal Coach Paul William "Bear" Bryant said of Billy Jackson that he "...is a tremendous football player, but more importantly, he is a class person and one of the finest student athletes we have had the privilege of having in our program. His contributions to our athletic program and The University of Alabama will long be remembered. He was one of the most coachable players we've had around here, too, and that speaks well for his background and the people who had a hand in molding him before he came to us"; and

WHEREAS, these most laudatory remarks by his great coach are well supported by the statistics which he compiled—the starter of every game in his junior and senior years, leading ground gainer for the Crimson Tide during the 1980 season, runnerup in the Most Valuable Player balloting in the 1980 Sugar Bowl victory over Arkansas, 5.2 yards average gain for each time he carried the ball, and winning grades for his blocking in every game; and

WHEREAS, he was selected by the South coaching staff to play in the prestigious Senior Bowl at Mobile, Alabama, a contest reserved for the most outstanding graduating college seniors in the game; and

WHEREAS, during his four years, he helped the Crimson Tide to record a national record-setting 44 victories; and

WHEREAS, his efforts to assist his teammates in winning two national championships, extending the number of consecutive bowl appearances to 22 and the number of consecutive wins in Bryant-Denny Stadium to 52 are deserving of the highest recognition of the Legislature of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we formally recognize the great achievements of Billy Jackson and express our profound gratitude to this fine student athlete for the great credit he has bestowed upon himself and to all who have shared in his upbringing.

BE IT FURTHER RESOLVED, That this resolution be spread upon the permanent record of the Legislature of the State of Alabama and that a copy be sent to Billy Jackson of Phenix City, Alabama.

On motion of Rep. Adams (C), the rules were suspended and the resolution, H. J. R. 136, was adopted.

Also:

By Rep. Adams (C):

H. J. R. 137. RECOGNIZING KEN JOHNSON FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Phenix City community has produced many outstanding athletes who have achieved greatness and national acclaim, bringing great credit upon themselves, their parents, coaches, teachers, church and civic leaders of Phenix City and Russell County, and to the State of Alabama as a whole; and

WHEREAS, the preponderance of these fine athletes have given first loyalty to their own people and institutions, electing to attend college in their native State of Alabama; and

WHEREAS, one of these outstanding young citizens of Phenix City, Ken Johnson, is completing his college athletic career in this 1980-81 academic year; and

WHEREAS, Ken Johnson cast his lot with The University of Alabama, the state's oldest and most revered institution, and is capping his brilliant career in the Sesquicentennial Year (150th anniversary) of The University of Alabama; and

WHEREAS, during his four years at The University of Alabama, Ken Johnson has performed outstandingly on the basketball court, striking fear into opposing coaches and players; and

WHEREAS, Ken's determined and skillful play on the court and exemplary conduct off the court brought him the highest respect of his teammates, the student body, and the staff and faculty of The University of Alabama; and

WHEREAS, his graceful ball-handling, finesse, and skillful shooting prompted his teammates to give him the endearing title of "Silk"; and

WHEREAS, Coach Wimp Sanderson, who lavishes his praise only on those who truly deserve it, stated of "Silk" that "Ken has started every game since coming to Alabama as a freshman and has played a key role in the success of our program. He has shown maturity, leadership, and is a perfect gentleman off the court. He is genuinely respected by the student body and obviously by his teammates, who elected him co-captain in both his junior and senior years"; and

WHEREAS, he was an unselfish team player, taking only those shots that the principles of the game dictated that he take, and yet the records reflect that he was one of the Crimson Tide's all-time scoring leaders; and

WHEREAS, Ken "Silk" Johnson and his teammates extended the number of Crimson Tide winning seasons to 10 in a row, while engaging the nation's top basketball powers, bringing national prominence to Alabama basketball; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we formally recognize the great achievements of Ken Johnson and express our profound gratitude to this fine student athlete for the credit he has bestowed upon himself and to all who have shared in his upbringing.

BE IT FURTHER RESOLVED, That this resolution be spread upon the permanent record of the Legislature of the State of Alabama and that a copy be sent to Ken Johnson of Phenix City, Alabama.

On motion of Rep. Adams (C), the rules were suspended and the resolution H. J. R. 137, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Reed:

H. R. 138. CONCURRING IN COMMENDATIONS BESTOWED UPON MRS. LOLLA CARTER BY TUSKEGEE INSTITUTE.

Also:

By Rep Reed:

H. R. 139. CONCURRING IN COMMENDATIONS BESTOWED UPON MR. KEN PARKER BY TUSKEGEE INSTITUTE.

Also:

By Rep. Reed:

H. R. 140. CONCURRING IN COMMENDATIONS BESTOWED UPON MR. ED CHARLES BY TUSKEGEE INSTITUTE.

Also:

By Rep. Reed:

H. R. 141. CONCURRING IN COMMENDATIONS BESTOWED UPON MR. JOHN "BUCK" O'NEIL BY TUSKEGEE INSTITUTE.

Also:

By Rep. Reed:

H. R. 142. CONCURRING IN COMMENDATIONS BESTOWED UPON MR. ED SCOTT BY TUSKEGEE INSTITUTE.

Also:

By Rep. Reed:

H. R. 143. CONCURRING IN COMMENDATIONS BESTOWED UPON MR. ROBERT McCULLOUGH BY TUSKEGEE INSTITUTE.

Also:

By Rep. Reed:

H. R. 144. CONCURRING IN COMMENDATIONS BESTOWED UPON MR. FLEETWOOD PRICE BY TUSKEGEE INSTITUTE.

Also:

By Rep. Reed:

H. R. 145. CONCURRING IN COMMENDATIONS BESTOWED UPON MR. DONELL CARTER BY TUSKEGEE INSTITUTE.

Also:

The following resolution was introduced:

By Rep. Pegues:

H. R. 146. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Rules of the House of Representatives are hereby amended to read as follows:

Rule 1. The doorkeeper shall on meeting days, one hour before the session begins, clear the House of all persons not entitled to the floor. The doors of the House shall be opened except on such occasions as, in the opinion of the House, may require secrecy, but no person shall be admitted to the floor of the House while the same is in session, except members of the Legislature, the officers and employees of the two Houses, the Governor and his secretary, the Chief Examiner and employees of the Department of Examiners of Public Accounts, representatives of the press who shall be placed by the Clerk of the House, and other persons to whom either House, by unanimous vote, may extend the privileges of its floor; provided, however, that on the first legislative day of any regular or special session the families of the members of the House shall have the privilege of the floor, for that legislative day only.

(1) When former members are on the floor of the House, they shall not be engaged in any lobbying activities.

(2) For the purpose of this Rule, "press" means news gathering media or general news and not any trade or association.

(3) This rule shall be enforced by the Clerk of the House with or without the suggestion of any member of the House.

On motion of Rep. Pegues, the rules were suspended and the resolution, H. R. 146, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 613. Relating to Clarke County; providing for an additional expense allowance for members of the Board of Education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bennett, Blake, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Cobb, Crow, Edwards, Escott, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Horn, Kelley, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Ray, Reed, Roberts, Sasser, Shavers, Smith (C), Stewart, Turner, Turnham, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 616. Relating to Jackson County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

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Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bennett, Blake, Bowling, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Escott, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Johnson (Roy), Kelley, McMillan, Manley, Mitchell, Naramore, Nevett, Olive, Owens, Pegues, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Smith (C), Stewart, Stout, Turnham, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 617. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Langston in Jackson County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bowling, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Escott, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Johnson (Roy), Kelley, Langford, McMillan, Manley, Mitchell, Naramore, Nevett, Olive, Owens, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Smith (C), Stewart, Stout, Turnham, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 618. To amend Section 1 of Act 179, H. 976, 1979 Regular Session (Acts 1979, p. 289), entitled "An Act Relating to Washington County; to provide an expense allowance to the circuit clerk and for the adjustment of such allowance," so as to provide further for the expense allowances of said circuit clerk and to provide for its retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Reps.: Albright, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Edwards, Escott, Gilmer, Goodwin, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (Roy), Kelley, Langford, Manley, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Pegues, Rains, Ray, Reed, Roberts, Sasser, Seibels, Smith (C), Stewart, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

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And the bill:

S. 101. Relating to Talladega County; to amend further Act No. 79-592, H. 948, 1979 Regular Session (Acts 1979, p. 1051), entitled, "An act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to provide for financing of juvenile justice and law enforcement, by increasing the costs and charges of Court.

Was read a third time at length and passed.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Edwards, Escott, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, Manley, Mitchell, Naramore, Nevett, Olive, Owens, Pegues, Rains, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Turner, Turnham, Venable, Ward, Williams, Willis and Wyatt.

—53

And the bill:

H. 575. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year; to provide that the first fee schedule shall also be the fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Johnson (Roy), Kelley, Langford, Letson, McKee, Manley, Mitchell, Naramore, Nevett, Olive, Parker, Pegues, Ray, Riddick,

Roberts, Sasser, Seibels, Smith (C), Stewart, Turnham, Venable, Whatley, Williams, Willis and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 318. Relating to Lee County; levying an additional ad valorem tax in the City of Auburn to be used for educational purposes and providing for a referendum.

Was taken up.

AMENDMENT OFFERED

Rep. Turnham offered the following amendment to the bill, S. 318:

Amend S. 318 as follows:

On page 1, line 33, delete the language "May 12, 1981" and insert in lieu thereof: May 26, 1981.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Blake, Bowling, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Kelley, McKee, Mitchell, Naramore, Nevett, Olive, Owens, Pegues, Rains, Ray, Reed, Roberts, Sasser, Seibels, Smith (C), Stewart, Stout, Trammell, Turnham, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 318 as thus amended, was read a third time at length and passed.

Yeas 44; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bowling, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Edwards, Gafford, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T),

Langford, Naramore, Nevett, Olive, Owens, Pegues, Ray, Reed, Roberts, Sasser, Seibels, Smith (C), Stewart, Stout, Turnham, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—44

Nays: Reps. Blake and Mitchell.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 213. To abolish the State Licensing Board for the Healing Arts; to transfer all of the powers of the State Licensing Board for the Healing Arts with regard to chiropractors to the State Board of Chiropractic Examiners; and to provide for the transfer of property and assets to the State Board of Medical Examiners for the use of the Medical Licensure Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cosby, Crow, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harrison, Harvey, Holley, Howard, Johnson (R. G.), Kelley, Laird, Langford, McKee, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—73

Nay: Rep. Johnson (Roy).

—1

CO-SPONSOR ADDED

Rep. Drinkard was added as co-sponsor to the bill, H. 213.

H. 213 RECONSIDERED

Having voted on the prevailing side, Rep. Carothers offered the motion to reconsider the vote by which the bill, H. 213, was passed, and the motion to reconsider was adopted.

Yeas 62; Nays 3.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (W), Cobb, Coburn, Cosby, Crow, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Laird, Langford, McKee, Minus, Mitchell, Naramore,

Nevett, Olive, Parker, Payne, Pegues, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Stewart, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Willis.

—62

Nays: Reps.: Patton, Stout and Wyatt.

—3

AMENDMENT OFFERED

Rep. Carothers offered the following amendment to the bill, H. 213:

Amend House Bill 213, Section 6, page 2, by striking the words this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law., and inserting in lieu thereof the following:

Sections 1 and 2 of this act shall become effective immediately upon the passage of the act and approval by the Governor, or upon its otherwise becoming a law. Section 3 of this act shall become effective on September 30, 1981, in order to provide a transition period to permit the orderly transfer of functions, property and funds. The necessary operating expenses being paid by the Healing Arts Board prior to its abolition shall continue to be paid during the transition period. Sections 4 and 5 of this act shall become effective immediately upon the passage of the act and approval by the Governor or upon its otherwise becoming a law.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 53; Nays 1.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carter, Cheatwood, Cobb, Cosby, Crow, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Holley, Johnson (R. G.), Kelley, Langford, Minus, Naramore, Nevett, Owens, Parker, Patton, Pegues, Rains, Ray, Reed, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Williams, Willis and Wyatt.

—53

Nay: Rep. Mitchell.

—1

And the bill, H. 213 as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 2.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carter, Cheatwood, Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holley, Johnson (R. G.), Kennedy, Langford, Letson, Minus, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne,

Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turnham, Venable, Williams, Willis and Wyatt.

—60

Nays: Reps.: Johnson (R) and Mitchell.

—2

And the bill:

H. 214. To create a commission to be known as the Medical Licensure Commission appointed by the Governor, Lieutenant Governor, and Speaker of the House; to set the terms of office of the members of the Commission and stagger those terms; to give the Commission exclusive power and authority to issue, revoke and reinstate all licenses to practice medicine or osteopathy; to give the Commission authority to promulgate reasonable rules and regulations; to require the Commission to receive and consider but not be bound by the recommendation of the State Board of Medical Examiners prior to exercising its authority under this Act; to provide that all personnel and facilities necessary for administration of this Act be furnished by the State Board of Medical Examiners, and to provide that all money, funds, fees, charges, and other receipts provided for in this Act be paid to the State Board of Medical Examiners to carry out the provisions of this Act; to authorize the State Board of Medical Examiners to employ the individuals necessary for assisting the Commission; to give the Commission and the Board power to call upon prosecuting attorneys for assistance without charge; to give an applicant whose application for a certificate of qualification is denied by the Board a right of appeal to the Commission; to provide for appropriate fees to be charged for administration of this Act; to provide that the State Board of Medical Examiners shall have the duty to promote continuing medical education of all licensed physicians and osteopaths and empower the Board to provide funds to any nonprofit corporation for the purpose of conducting continuing medical education programs without being bound by competitive bidding laws; to establish the necessary administrative provisions for administration of this Act; to authorize the State Board of Medical Examiners to collect all fees provided for in this Act and require the Board of Medical Examiners to furnish all employees and facilities utilized by the Commission; to provide that the State Board of Medical Examiners shall continue to collect fees for examination, certificates of qualification, and such other fees as are authorized by law or this Act; to give the Commission authority to seek an injunction against any person engaged in the unlawful practice of medicine or osteopathy; to require that licenses to practice medicine or osteopathy be recorded in the office of judge of probate in the county in which the licensee resides; to provide that any person who practices medicine or osteopathy without having complied with the provisions of this Act and any person who violates any of the provisions of this Act be fined not less than \$500.00 (five hundred dollars) and not more than \$1,000.00 (one thousand dollars), and, in addition, at the discretion of the trial judge may be imprisoned in the county jail for not more than 12 (twelve) months; to provide that each day a person practices medicine or osteopathy without meeting all of the requirements of all laws now in force and of this Act shall constitute a separate offense; to provide that any person filing or attempting to file as his own a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree; to give the Medical Licensure Commission the power and duty to suspend for a specified time to be determined in the discretion of the Commission or revoke a license whenever the licensee is

found guilty on the basis of substantial evidence of any of the specified grounds in the Act; to establish acts or offenses which constitute grounds for the Medical Licensure Commission to suspend or revoke licenses to practice medicine or osteopathy; to provide that every physician who accepts the privilege of practicing medicine or osteopathy in the State of Alabama by actually practicing or by making and filing an annual registration to practice medicine or osteopathy shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations at the direction of the Board or Commission and provide that the physician shall be deemed to have given his consent to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications; to establish procedures by which the State Board of Medical Examiners shall investigate complaints against physicians or osteopaths and make recommendations to the Medical Licensure Commission; to establish procedures by which hearings for suspension or revocation of a license shall be conducted by the Commission; to give the authority to the Commission to temporarily suspend the license of a physician or osteopath without a hearing where the physician's or osteopath's continuation in practice may constitute an immediate danger to his patients or to the public; to provide procedures whereby a physician or osteopath may surrender his certificate of qualification or request in writing that a restriction be placed on his certificate of qualification; to specify the actions that may be taken by the Commission if a physician or osteopath is found guilty of any of the acts, offenses or conditions specified in this Act; to grant subpoena power to the Commission and to the Board; to authorize depositions to be taken on a commission issued by the executive officer of the Commission or by the executive director of the Board; to provide that any order of the Medical Licensure Commission suspending or revoking a license to practice medicine or osteopathy shall have immediate effect and shall not be stayed or held in obedience by any court; to provide that if a court of competent jurisdiction determines that the Commission acted arbitrarily or capriciously or that the Commission grossly abused its discretion, that the order of the Commission shall be vacated upon issuance of a peremptory writ of mandamus; to provide that the reviewing court shall not itself hear or accept any further evidence with respect to issues of fact determined by the Commission; to provide for the repeal of conflicting laws; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, McKee, Minus, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Reed, Roberts, Sasser, Seibels, Shavers, Smith (C), Smith (M), Stewart, Stout, Turner, Venable, Warren, Willis and Wyatt.

CO-SPONSORS ADDED

Reps. Bennett and Drinkard were added as co-sponsors to the bill, H. 214.

And the bill:

H. 291. To permit a period of silence to be observed for the purpose of meditation or voluntary prayer at the commencement of the first class of each day in all public schools.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—83

Nay: Rep. Harrison.

—1

And the bill:

H. 191. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 3.

Yeas:

Reps.: Adams (C), Albright, Barton, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grouby, Hall, Harper (O), Harper (T), Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Lewis, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Sasser, Shavers, Shoemaker, Smith (C), Stewart, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

Nays: Reps.: Escott, Horn and Seibels.

—3

And the bill:

H. 510. To specify who may disclaim an interest in property and provide for partial disclaimer; to provide that a disclaimer may be made of any property, property right, or interest in property, including partial interests; to fix the time limits for filing a disclaimer and to provide for the manner of the delivery and filing of the disclaimer; to provide for the form of the disclaimer; to determine the effect of the disclaimer; to provide for waiver and barring of a disclaimer; to ensure that this Act does not abridge the right of any person to disclaim under any other statute; to ensure that this Act is construed to effectuate its intended purposes to make uniform the law with respect to the subject of this Act among states enacting it and to provide for the ability of persons to disclaim interests in property without the imposition of transfer taxes; to provide for severability of the provisions of this Act; and to provide for a retroactive effective date for the provisions of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—78

And the bill:

H. 151. To amend Section 4-2-31, Code of Alabama 1975, which relates to the organization of the Aeronautics Commission, so as to change the provision for monthly meetings to quarterly meetings.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—78

And the bill:

H. 184. (With Amendments): To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those state's rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 184, Section 2, Subsection (b), on page 3, line 11, after the word "provision" by striking to the and on line 12 by striking extent of any such judicial or legislative act and inserting in lieu thereof as required by Section 37 of this Act.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Howard, Kelley, Langford, Letson, McKee, Manley, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Ward, Whatley, Williams, Willis and Wyatt.

—72

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 184, Section 5, Subsection c., page 18, beginning on line 9, after the word "jurisdiction" by striking the remainder of line 9 and lines 10 through 13 in their entirety, and inserting in lieu thereof the following:

the Alabama Surface Mining Commission shall suspend the enforcement of this Act to the extent of such adjudication, unconstitutionality or stay as required by Section 37 of this Act.

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holley, Howard, Kelley, Langford, Letson, McKee, Manley, Moore, Naramore, Nevett, Olive, Parker, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Tucker, Turner, Turnham, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—68

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 184, Section 28, subsection (d), on page 105 of said bill by deleting lines 28-34 in their entirety as said lines appear on said page.

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Howard, Kelley, Langford, Letson, McKee, Manley, Moore, Naramore, Nevett, Olive, Parker, Payne, Pegues, Rains, Ray, Riddick, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Tucker, Turner, Turnham, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—71

AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 1 to the bill, H. 184 as amended:

Amend H. B. 184, Section 2(g), Page 4, line 23 by striking after the words the following: "and shall"

and inserting in lieu thereof, the following: "but shall not."

AMENDMENT TABLED

On motion of Rep. Naramore, the amendment No. 1 offered by Rep. Cheatwood to the bill, H. 184 as amended, was tabled.

Yeas 39; Nays 12.

Yeas:

Reps.: Adams (H), Bedsole, Bennett, Biddle, Brakefield, Cabaniss, Carter, Clark (G), Clark (W), Cosby, Drinkard, Edwards, Ford, Gafford, Grouby, Harper (T), Harvey, Johnson (R. G.), Kelley, Langford, Letson, Lewis, Manley, Minus, Mitchell, Moore, Naramore, Patton, Pegues, Roberts, Seibels, Shavers, Smith (J), Stewart, Turner, Turnham, Venable, Williams and Zoghby.

—39

Nays:

Reps.: Boles, Carothers, Cheatwood, Cooley, Howard, Olive, Payne, Smith (C), Stout, Trammell, Tucker and Wyatt.

—12

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolutions, to-wit:

H. 443. Relating to the Eleventh Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally, or upon appeals to the circuit courts from lower courts.

Also:

H. J. R. 116. NAMING THE ATTALLA, ALABAMA, RECREATION BUILDING THE "WILLIE CARNES RECREATION BUILDING."

Also:

H. J. R. 120. HONORING THE ACCOMPLISHMENTS OF THE DALEVILLE HIGH SCHOOL'S FEMALE ATHLETES.

Also:

H. J. R. 123. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MR. CLAUDE RAY MARSH, PROMINENT BLOUNT COUNTY BUSINESSMAN AND CIVIC LEADER.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 132. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 229. To regulate and control the operation and licensing of massage parlors within Mobile County; and providing penalties for violation.

Also:

H. 397. Relating to the City of Florence; repealing Act No. 2459, H. 2839 of the 1971 Regular Session (Acts 1971, Vol. V, p. 3925), entitled "An Act To prohibit the City of Florence, or any agency thereof, from collecting outside the corporate limits of said city any permit fees, inspection fees or other fees with respect to the enforcement of any building code provision; to provide that building code provisions may be enforced within the police jurisdiction of said city, but to limit the collection of all fees and charges therefor to the area within the corporate limits of the City of Florence."

Also:

H. 476. Relating to the Town of Killen, Lauderdale County; providing for annexation to the Town of Killen.

McDOWELL LEE,
Secretary.

H. 184 RESUMED
AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 2 to the bill, H. 184 as amended:

Amend H. B. 184, Section 4 (b) (2), Page 10, lines 28, 29, 30, 31 by striking after the word(s) through the period on line 31 and and inserting in lieu thereof, the following: to substitute therefor the word "engineer."

AMENDMENT TABLED

On motion of Rep. Naramore, the amendment No. 2 offered by Rep. Cheatwood to the bill, H. 184 as amended, was tabled.

Yeas 35; Nays 9.

Yeas:

Reps.: Adams (H), Barton, Bedsole, Biddle, Brakefield, Cabaniss, Campbell, Carter, Clark (G), Clark (W), Cosby, Drinkard, Edwards, Ford, Gafford, Gilmer, Harper (T), Harvey, Johnson (R. G.), Kelley, Letson, Lewis, Manley, Minus, Moore, Naramore, Patton, Payne, Pegues, Shavers, Smith (C), Turner, Venable, Williams and Zoghby.

—35

Nays:

Reps.: Boles, Cheatwood, Cooley, Howard, Olive, Stout, Trammell, Tucker and Wyatt.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 3 to the bill, H. 184 as amended:

Amend H. B. 184, Section 5 21 (e), Page 18, line 24 by striking after the word "States" the following: the comma and inserting in lieu thereof, the following: Replace the comma with a period and delete the remainder of the sentence.

AMENDMENT TABLED

On motion of Rep. Naramore, the amendment No. 3 offered by Rep. Cheatwood to the bill, H. 184 as amended, was tabled.

Yeas 39; Nays 7.

Yeas:

Reps.: Barton, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Harvey, Johnson (R. G.), Letson, Manley, Minus, Moore, Naramore, Parker, Payne, Pegues, Riddick, Roberts, Shavers, Shoemaker, Smith (C), Stout, Turner, Venable, Whatley, Willis, Wyatt and Zoghby.

—39

Nays:

Reps.: Albright, Boles, Cheatwood, Escott, Howard, Nevett and Olive.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 4 to the bill, H. 184 as amended:

Amend H. B. 184, Sections 8 thru 11, Pages 22 thru 30, line(s) by striking after the words the following: and renumber all subsequent sections accordingly. and inserting in lieu thereof, the following:

8. A. Within 30 days from the time any decision of the Commission has become final, any interested person may secure a judicial review thereof by filing notice of appeal in the Circuit Court Montgomery, County.

B. An appeal may be taken from the decisions of the circuit court in the same manner as provided in civil cases.

AMENDMENT TABLED

On motion of Rep. Naramore, the amendment No. 4 offered by Rep. Cheatwood to the bill, H. 184 as amended, was tabled.

Yeas 39; Nays 6.

Yeas:

Reps.: Barton, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Grouby, Harvey, Johnson (R. G.), Kelley, Langford, Letson, Manley, Mitchell, Moore, Naramore, Owens, Patton, Payne, Pegues, Roberts, Shoemaker, Smith (C), Waggoner, Warren, Whatley, Williams, Willis and Wyatt.

—39

Nays:

Reps.: Albright, Cheatwood, Nevett, Olive, Rains and Trammell.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SUPREME COURT OPINION

Pursuant to Section 6.12 of Amendment 328, Constitution of Alabama as amended, the report of the Supreme Court relative to House Bill 604 by Rep. James Sasser, was read and ordered filed.

H. 184 RESUMED

AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 5 to the bill, H. 184 as amended:

Amend H. B. 184, Subsection (c) of Section 21, Page 58, line(s) by striking after the words the following: and renumbering all subsequent subsections accordingly.

AMENDMENT TABLED

On motion of Rep. Naramore, the amendment No. 5 to the bill, H. 184 as amended, was tabled.

Yeas 39; Nays 7.

Yeas:

Reps.: Amari, Bennett, Biddle, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Coburn, Cosby, Drinkard, Edwards, Gafford, Gilmer, Grimsley, Grouby, Harvey, Johnson (R. G.), Kelley, Langford, Letson, Lewis, Manley, Minus, Moore, Naramore, Owens, Patton, Payne, Pegues, Roberts, Shoemaker, Smith (C), Waggoner, Williams, Willis and Wyatt.

—39

Nays:

Reps.: Albright, Boles, Cheatwood, Ford, Nevett, Rains and Trammell.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 6 to the bill, H. 184 as amended:

Amend H. B. 184, Section 21 (k), Page 62, line 27 by striking after the word "person" the following: and deleting lines 28 through 33.

AMENDMENT TABLED

On motion of Rep. Naramore, the amendment No. 6 offered by Rep. Cheatwood to the bill, H. 184 as amended, was tabled.

Yeas 39; Nays 7.

Yeas:

Reps.: Amari, Biddle, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Coburn, Cosby, Drinkard, Edwards, Gafford, Gilmer, Hall, Harvey, Holmes, Johnson (R. G.), Langford, Letson, Lewis, Manley, Minus, Moore, Naramore, Owens, Payne, Pegues, Roberts, Shavers, Shoemaker, Smith (C), Stout, Waggoner, Whatley, Williams, Willis and Wyatt.

—39

Nays:

Reps.: Albright, Boles, Cheatwood, Nevett, Olive, Rains and Trammell.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 7 to the bill, H. 184 as amended:

Amend H. B. 184, Section 22, Page 64, by deleting Section 22 and inserting in lieu thereof, the following:

Section 22: Environmental Protection Performance Standards. Within ninety (90) days of the effective date of this Act, the Regulatory Authority shall promulgate regulations not inconsistent with the environmental performance standards of Section 515 of P.L. 95-87, 30 U.S.C. S. 1265 and regulations promulgated pursuant to. All surface coal mining operations and coal exploration operations in Alabama shall comply with all applicable performance standards of Section 515 of P.L. 95-87 as well as any amendments thereto.

AMENDMENT TABLED

On motion of Rep. Naramore, the amendment No. 7 offered by Rep. Cheatwood to the bill, H. 184 as amended, was tabled.

Yeas 39; Nays 8.

Yeas:

Reps.: Adams (H), Amari, Barton, Biddle, Brakefield, Buskey, Cabaniss, Carothers, Carter, Clark (G), Clark (W), Crow, Edwards, Gafford, Gilmer, Hall, Harvey, Johnson (R. G.), Letson, Lewis, Manley, Minus, Moore, Naramore, Owens, Patton, Payne, Pegues, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Venable, Waggoner, Ward, Whatley, Williams and Willis.

—39

Nays:

Reps.: Albright, Boles, Cheatwood, Escott, Nevett, Rains, Trammell and Wyatt.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 8 to the bill, H. 184 as amended:

Amend H. B. 184, Section 27 (a), Page 100, line(s) 7, 8 thru 12 & 13 by striking after the word "person" on line 7 the following: delete all of lines 8 through 12 and all words before the word "may" on line 13.

AMENDMENT TABLED

On motion of Rep. Naramore, the amendment No. 8 offered by Rep. Cheatwood to the bill, H. 184 as amended, was tabled.

Yeas 41; Nays 9.

Yeas:

Reps.: Amari, Barton, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Cosby, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Hall, Harvey, Johnson (R. G.), Kelley, Langford, Letson, Lewis, Manley, Minus, Moore, Naramore, Owens, Payne, Pegues, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Venable, Waggoner, Williams, Willis and Wyatt.

—41

Nays:

Reps.: Albright, Boles, Cheatwood, Escott, Harrison, Nevett, Olive, Rains and Trammell.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 9 to the bill, H. 184 as amended:

Amend H. B. 184, Section 27, Page 101, line(s) 31 thru 35 by striking after the words the following: Section 27.

AMENDMENT TABLED

On motion of Rep. Naramore, the amendment No. 9 offered by Rep. Cheatwood to the bill, H. 184 as amended, was tabled.

Yeas 36; Nays 8.

Yeas:

Reps.: Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Cosby, Drinkard, Edwards, Ford, Gafford, Gilmer, Hall, Harvey,

REGULAR SESSION
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Johnson (R. G.), Kelley, Letson, Manley, Minus, Moore, Naramore, Owens, Payne, Pegues, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Venable, Waggoner, Whatley, Williams and Willis.

—36

Nays:

Reps.: Albright, Cheatwood, Escott, Nevett, Olive, Rains, Trammell and Wyatt.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 10 to the bill, H. 184 as amended:

Amend H. B. 184, Section 37, Page 113, line 7 by adding after the word(s) the comma and before the word then the following: by any United States Court of Appeals by the United States Court of Appeals for the 9th circuit by any United States District Court in the State of Alabama by the Supreme Court of Alabama.

AMENDMENT TABLED

On motion of Rep. Naramore, the amendment No. 10 offered by Rep. Cheatwood to the bill, H. 184 as amended, was tabled.

Yeas 43; Nays 4.

Yeas:

Reps.: Adams (C), Barton, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Cosby, Edwards, Gafford, Gilmer, Hall, Johnson (R. G.), Kelley, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Owens, Patton, Payne, Pegues, Rains, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Venable, Waggoner, Whatley, Williams, Willis and Wyatt.

—43

Nays: Reps.: Albright, Cheatwood, Nevett and Trammell.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 11 to the bill, H. 184 as amended:

Amend H. B. 184, Section 38, Page 114, line 15 by adding after the word "the" the following sentence: Nor shall any part of this Act be construed to repeal, supercede or preempt the authority of county or municipal governments to regulate surface mining within their respective jurisdictions.

AMENDMENT TABLED

On motion of Rep. Naramore, the amendment No. 11 offered by Rep. Cheatwood to the bill, H. 184 as amended, was tabled.

Yeas 37; Nays 7.

Yeas:

Reps.: Adams (C), Barton, Biddle, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Cosby, Crow, Edwards, Gafford, Gilmer, Hall, Harvey, Holmes, Johnson (R. G.), Kelley, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Owens, Payne, Pegues, Sasser, Shoemaker, Turnham, Venable, Waggoner, Williams, Willis and Wyatt.

—37

Nays:

Reps.: Albright, Boles, Cheatwood, Nevett, Rains, Smith (C) and Trammell.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

AMENDMENT OFFERED

Rep. Cheatwood offered the following amendment No. 12 to the bill, H. 184 as amended:

Amend H. B. 184, Section 38, Page 114, line(s) 11 & 12 by striking after the word "cumulative" the following: and to delete all words on line 12 before the words "and to".

AMENDMENT TABLED

On motion of Rep. Naramore, the amendment No. 12 offered by Rep. Cheatwood to the bill, H. 184 as amended, was tabled.

Yeas 36; Nays 6.

Yeas:

Reps.: Adams (C), Barton, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (W), Crow, Edwards, Gafford, Gilmer, Hall, Harvey, Holmes, Johnson (R. G.), Kelley, Letson, Manley, Minus, Moore, Naramore, Owens, Patton, Payne, Pegues, Sasser, Shoemaker, Turnham, Venable, Waggoner, Williams, Willis and Wyatt.

—36

Nays:

Reps.: Albright, Cheatwood, Cooley, Nevett, Rains and Trammell.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 184 as thus amended, was again read at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Hall, Harrison, Harvey, Holley, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, Lewis, McMillan, Manley, Minus, Moore, Naramore, Nevett, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—77

CO-SPONSOR ADDED

Rep. Reed was added as co-sponsor to the bill, H. 184.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Amari:

H. R. 147. COMMENDING H. J. "BUD" LIGHT.

Also:

By Rep. Amari:

H. R. 148. COMMENDING CAPTAIN DONALD H. WILLIAMS, RECIPIENT OF THE ALABAMA GOVERNOR'S TRAFFIC FATALITIES REDUCTION AWARD.

SPECIAL ORDER RESUMED

And the bill:

H. 115. To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901.

Was taken up.

SUBSTITUTE OFFERED

Rep. Pegues offered the following substitute to the bill, H. 115:

A BILL
TO BE ENTITLED
AN ACT

To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901; which Section defines general, local and special or private laws; to validate and confirm Act 79-263 (House Bill No. 68) which Act established eight classes of municipalities and each and every act enacted which refers or relates to a class of municipalities established under the provisions of Act No. 79-263.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

CONSTITUTIONAL AMENDMENT

Section 110 of the Constitution of Alabama of 1901 is amended to read as follows:

"Section 110. A general law is a law which in its terms and effect applies either to the whole state, or to one or more municipalities of the state less than the whole in a class. A general law applicable to such a class of municipalities shall define the class on the basis of criteria reasonably related to the purpose of the law, provided that the legislature may also enact and change from time to time a general schedule of not more than eight classes of municipalities based on population according to any designated federal decennial census, and general laws for any purpose may thereafter be enacted for any such class. Any law heretofore enacted which complies with the provisions of this section shall be considered a general law.

"No general law which at the time of its enactment applies to only one municipality of the state shall be enacted, unless notice of the intention to apply therefor shall have been given and shown as provided in Section 106 of this Constitution for special, private or local laws; provided, that such notice shall not be deemed to constitute such law a local law.

"A special or private law is one which applies to an individual, association or corporation. A local law is a law which is not a general law or a special or private law.

Act No. 79-263 (House Bill No. 68) entitled 'AN ACT To establish eight classes of municipalities, by population, based on the 1970 Federal decennial census' approved June 28, 1979, and each and every Act of the Legislature thereafter enacted referred or relating to a class of municipalities as established in said Act Number 79-263 are hereby in all things ratified, approved, validated and confirmed as of the date of their enactment, any provision or provisions of the Constitution of Alabama, as amended, to the contrary notwithstanding."

Section 2. An election upon the proposed amendment is ordered to be held on the first general, special or primary election after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county for four successive weeks next preceding the day appointed for the election.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Stout, Turner, Venable, Ward, Warren, Williams, Willis and Wyatt.

—64

And the bill:

H. 115. To propose and provide for the submission of an amendment to Section 110 of the Constitution of Alabama of 1901; which Section defines general, local and special or private laws; to validate and confirm Act 79-263 (House Bill No. 68) which Act established eight classes of municipalities and each and every act enacted which refers or relates to a class of municipalities established under the provisions of Act No. 79-263.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cheatwood, Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Letson, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Roberts, Sasser, Seibels, Shoemaker, Smith (J), Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—75

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolution, to-wit:

H. 229. To regulate and control the operation and licensing of massage parlors within Mobile County; and providing penalties for violation.

Also:

H. 397. Relating to the City of Florence; repealing Act No. 2459, H. 2839 of the 1971 Regular Session (Acts 1971, Vol. V, p. 3925), entitled "An Act To prohibit the City of Florence, or any agency thereof, from collecting outside the corporate limits of said city any permit fees, inspection fees or other fees with respect to the enforcement of any building code provision; to provide that building code provisions may be enforced within the police jurisdiction of said city, but to limit the collection of all fees and charges therefor to the area within the corporate limits of the City of Florence."

Also:

H. 476. Relating to the Town of Killen, Lauderdale County; providing for annexation of the Town of Killen.

Also:

H. J. R. 132. Relative to legislative meeting dates from Thursday, March 19, 1981, through Tuesday, March 31, 1981.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolution, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 537. To make further provisions for the issuance of obligations by the Alabama Highway Finance Corporation by amending Article 7 of Chapter 1 of Title 23 of the Code of Alabama, 1975, as amended, so as to exempt all obligations issued by the Corporation from the laws of the State governing usury or prescribing or limiting interest rates including but without limitation to the provisions of Chapter 8 of Title 8 of the Code of Alabama, 1975.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Carothers, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—70

RESOLUTION

The following resolution was introduced:

By Rep. Payne:

H. R. 149. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 687, PERTAINING TO THE INCORPORATION OF A MUNICIPALITY.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning the pending H. B. 687, pertaining to the incorporation of a municipality, copies of which are attached to this resolution and made a part hereof by reference. In pertinent part, H. B. 687 reads:

"...; provided, that an unincorporated community lying within or partly within the boundaries of a county having a population of 600,000 or more, according to the most recent federal decennial census, shall not be incorporated under this section if the territory proposed to be incorporated has a total population of less than 1,000 or if the territory or any part of its perimeter lies within three miles of the corporate limits of any existing city or town." (Emphasis added)

1. Does the language of H. B. 687, set out herein, fall within the United States constitutional prohibitions of the Fourteenth Amendment for due process and equal protection of the laws and therefore operate arbitrarily and discriminatorily against certain people of the state because they live "within three miles of the corporate limits of any existing city or town" only when the boundaries lie within a county having 600,000 or more inhabitants?

2. Does the language of the said bill, set out hereinabove, contravene the provisions of Article I, Section 1 of the Constitution of Alabama, 1901, in that this general law has unequal public application which operates to arbitrarily violate the constitutional rights of citizens within the same county?

3. Does the language of the said bill contravene the provisions of Article I, Section 35 of the Constitution of Alabama, 1901, in that the provisions operate arbitrarily or capriciously against certain citizens in a certain classification without a compelling state interest?

4. Does the language of H. B. 687 exclude a certain group of persons within the same territory so as to deny them due process and equal protection of the laws guaranteed under the federal constitution?

RESOLVED FURTHER, That the Clerk of the House of Representatives is hereby directed to send sufficient copies of the pending bill, H. B. 687, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

On motion of Rep. Payne, the rules were suspended and the resolution, H. R. 149, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 174. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Boies, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Harper (O), Harper (T), Harrison, Horn, Johnson (Roy), Kelley, Kennedy, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Sasser, Shavers, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Warren, Willis and Wyatt.

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Nay: Rep. Hall.

—1

And the bill:

H. 409. To create and establish a state land resources information center within the Legislative Fiscal Office; to prescribe certain data and information to be compiled by such center and to provide for the administration of such center.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton,

Payne, Pegues, Rains, Ray, Roberts, Sasser, Shavers, Smith (C), Smith (J), Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—76

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 298. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901 to increase the number of trustees of the University of Alabama and to provide for their election; to provide for the retirement of the trustees; and to alter the terms and provide a maximum number of consecutive terms of service; and to provide for and clarify the position of trustee emeritus.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Manley, the House concurred in and adopted the Senate amendment to the bill, H. 298, said Senate amendment being as follows:

Amend House Bill 298, beginning on page 3, line 37, by striking Section 2 in its entirety and inserting in lieu thereof the following:

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Tucker, Turner, Venable, Ward, Warren, Williams, Willis and Wyatt.

—76

And the bill, H. 298 as thus amended, was again read at length and passed.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Tucker, Turner, Venable, Ward, Warren, Williams, Willis and Wyatt.

—75

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Cook, Parsons, Bailey, Barron, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 86. COMMENDING U. A. B. BASKETBALL TEAM.

Also:

By Mr. Bailey:

S. J. R. 87. COMMENDING MISS TERRI DeVANE FOR BEING CHOSEN 1981 ALABAMA TEXTILE QUEEN.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Waggoner, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 86, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Carothers, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 87, the title of which is set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 381. To amend Section 41-4-156 of the Code of Alabama 1975 which provides for the printing of acts and resolutions in pamphlet form, so as to require the printing of local acts as well as the general acts in pamphlet form, and to provide further for the distribution of pamphlet acts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Pegues, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—75

RESOLUTION

The following resolution was introduced:

By Rep. Roberts:

H. J. R. 150. NAMING THE NEW DAUPHIN ISLAND BRIDGE, "THE H. L. 'SONNY' CALLAHAN BRIDGE."

WHEREAS, Senator H. L. "Sonny" Callahan is the Dean of the Mobile Delegation and is serving his third term in the Alabama Legislature; and

WHEREAS, Sonny Callahan's service to the people of Mobile County and to the State of Alabama is well known; and

WHEREAS, Sonny Callahan's ability to work harmoniously with people from all perspectives, points of view, nationalities and opinions has significantly contributed to his success as a Legislative Leader; and

WHEREAS, Senator H. L. "Sonny" Callahan is so appreciated by his colleagues in the House and the Senate that they commend his example of dedicated public service to the members of the Mobile Legislative Delegation; and

WHEREAS, no other legislator from Mobile County has over several quadrennium exhibited the leadership, initiative and legislative acumen; and

WHEREAS, Senator Callahan's calm, rational approach to the Legislature has allowed him to meet the needs of the people of Alabama and Mobile County without sponsoring burdensome tax legislation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name the new Dauphin Island Bridge, "The H. L. 'Sonny' Callahan Bridge."

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Senator Callahan and one to be presented to the Chairman of the Mobile County House Delegation for permanent display in the Mobile County Delegation office.

The resolution, H. J. R. 150, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 323. To amend section 13A-10-8, Code of Alabama 1975, dealing with the crime of rendering a false alarm of fire or other emergency involving danger to life or property, so as to enlarge the scope of the criminal activity therein proscribed and increase the penalty for such newly proscribed criminal activity.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cheatwood, Clark (G), Cobb, Cooley, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Parker, Pegues, Rains, Ray, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—59

And the bill:

H. 374. (With Amendment): To amend Section 25-4-146, Code of Alabama 1975, relating to the police powers of certain employees of the department of industrial relations so as to extend their power to the enforcement of all criminal laws of the state as they relate to the interests of the department of industrial relations.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

In Section 1, page 2, between lines 10 and 11 insert the following: "and to maintain order in offices operated by said department"

MOTION TO POSTPONE TABLED

On motion of Rep. Drinkard, the motion offered by Rep. Holmes to postpone consideration of the bill, H. 374 with pending amendment, to the thirteenth legislative day, was tabled.

Yeas 37; Nays 28.

Yeas:

Mr. Speaker, Adams (H), Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Clark (G), Cobb, Crow, Drinkard, Edwards, Ford, Gilmer, Grimsley, Grouby, Kelley, Letson, McKee, Naramore, Olive, Owens, Parker, Seibels, Smith (M), Stewart, Stout, Turner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—37

Nays:

Reps.: Barton, Boles, Buskey, Clark (W), Coburn, Cooley, Escott, Gafford, Goodwin, Harrison, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Laird, Mitchell, Moore, Nevett, Rains, Ray, Riddick, Sasser, Shavers, Smith (C), Trammell, Tucker and Wyatt.

—28

MOTION TO TABLE LOST

The question was again on the adoption of the amendment reported by the Standing Committee on State Administration to the bill, H. 374, and the motion offered by Rep. Tucker to table the amendment was lost.

Yeas 18; Nays 41.

Yeas:

Reps.: Albright, Barton, Buskey, Escott, Harrison, Holmes, Horn, Howard, Johnson (R), Kennedy, Langford, Mitchell, Nevett, Rains, Seibels, Tucker, Whatley and Wyatt.

—18

Nays:

Mr. Speaker, Adams (H), Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Clark (G), Crow, Edwards, Gafford, Gilmer, Grouby, Harper (O), Harvey, Holley, Kelley, Letson, McKee, Manley, Minus, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Shavers, Smith (C), Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren and Willis.

—41

AMENDMENT ADOPTED

The question was again on the adoption of the amendment reported by the Standing Committee on State Administration, to the bill, H. 374, and the amendment was adopted.

Yeas 47; Nays 10.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Clark (G), Clark (W), Cosby, Crow, Daniels, Dixon, Edwards, Gafford, Gilmer, Grouby, Hall, Harvey, Kelley, Laird, Langford, Letson, McKee, Minus, Naramore, Olive, Owens, Parker, Payne, Pegues, Seibels, Shavers, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—47

Nays:

Reps.: Albright, Barton, Buskey, Holley, Holmes, Howard, Johnson (R), Nevett, Rains and Tucker.

—10

And the bill, H. 374 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 18.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Coburn, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grouby, Hall, Harper (O), Harvey, Kelley, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Ray, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—59

Nays:

Reps.: Albright, Barton, Buskey, Cheatwood, Clark (W), Cooley, Escott, Harrison, Holley, Holmes, Horn, Howard, Johnson (R), Kennedy, Langford, Nevett, Rains and Tucker.

—18

And the bill:

H. 596. (With Amendment): To provide a procedure in all Class 5 municipalities for filling vacancies, unless otherwise provided by local law, occurring in the governing bodies of such municipalities; to provide for special elections in certain circumstances; and to provide that this procedure shall apply to any vacancies existing as of the effective date of this Act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend H. B. 596 on page 1, Section 1, line 27 by adding after the word "municipalities" the following: which have existed for more than 60 days.

And the amendment was adopted.

Yeas 66; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gregg, Grimsley, Grouby, Hall, Harper (O), Harrison, Harvey, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Trammell, Turner, Turnham, Venable, Ward, Whatley, Williams and Willis.

—66

Nay: Rep. Holmes.

—1

And the bill, H. 596 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Carter, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gregg, Grimsley, Grouby, Hall, Harper (O), Harrison, Harvey, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Ward, Whatley, Williams and Willis.

—69

Nays: Rep. Holmes.

—1

CO-SPONSOR ADDED

Rep. Clark (W) was added as co-sponsor to the bill, H. 596.

RESOLUTION

The following resolution was introduced:

By Rep. Payne:

H. J. R. 151. COMMENDING THE PINSON VALLEY WRESTLING TEAM FOR WINNING ITS SECOND STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.

WHEREAS, the Pinson Valley High School won its second straight 3A State Wrestling Championship; and

WHEREAS, the Pinson Valley Wrestling Team worked diligently, long and hard to achieve this outstanding record; and

WHEREAS, Coach Charlie Bruce is due much credit not only for the high degree of technical skill displayed by the team but also for their fine spirit and their will to win, which is necessary in this type of effort; and

WHEREAS, the members of this team have shown the attributes of devotion to duty and desire to win that will stand them in good stead throughout their life and ought to be commended on their achievements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That we most heartily commend the Pinson Valley High School Wrestling Team for winning its second straight 3A State Wrestling Championship and we do heartily congratulate Coach Charlie Bruce and the members of the wrestling team, viz: Travis Fox, Clint Nail, Joey Maryanow, Barry Dunn, Steve Davis, Larry Sanford, Richard Cowden, Jay Cherry, Ricky Porter, Jeff Sims, Bryan Hoyt, Bill Whilden, Mark Johns, Jesse Turner, Joseph Gregg, and Steve Burroughs.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Bruce on behalf of the team, with a copy also provided for appropriate school display.

On motion of Rep. Payne, the rules were suspended and the resolution, H. J. R. 151, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 337. To amend Section 20-2-93, Code of Alabama 1975, relating to forfeitures and seizures of property and vehicles used in violation of the Alabama Controlled Substances Act so as to provide for the sale of such property and vehicles and to further provide for the use and disposition of the proceeds from the sale of forfeited property.

Was taken up.

AMENDMENT OFFERED

Rep. Campbell offered the following amendment to the bill, H. 337:

Amend H. B. 337 on page 3, Section (d)(1)(3)(e)(1), line(s) 39 by adding after the word(s) "use;" the following: except for lawful currency (money) of the United States of America, which shall be disposed of as provided for in Subsection (d)(1)(3)(e)(2);

and to further amend Subsection (d)(1)(3)(e)(2) on page 4, line 7 by adding after the word "state" the following: "general fund whose"

and to further amend Subsection (d)(1)(3)(e)(2) on page 4, line 8 by adding after the word "departments" the following: "are"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Harper (O), Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Showmaker, Smith (J), Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

—70

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. McDonald:

S. 392. To consolidate the administration of Athens State College, John C. Calhoun Junior College, and John C. Calhoun Technical College under a single administration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate was read one time and referred to appropriate Standing Committee as follows:

S. 392. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 318. Relating to Lee County; levying an additional ad valorem tax in the City of Auburn to be used for educational purposes and providing for a referendum.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 134. DESIGNATING THE FIRST WEEK IN JUNE, EACH YEAR, AS "ALABAMA GARDEN WEEK" IN OUR STATE.

Also:

H. J. R. 135. NAMING THE LIBRARY AT TUSCALOOSA COUNTY HIGH SCHOOL, THE "LURLEEN B. WALLACE MEMORIAL LIBRARY."

Also:

H. J. R. 136. RECOGNIZING BILLY JACKSON FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 137. RECOGNIZING KEN JOHNSON FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE,
Secretary.

H. 337 RESUMED

And the bill, H. 337 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels,

Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Harper (O), Howard, Johnson (R. G.), Johnson, (Roy), Kelley, Kennedy, Laird, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

—71

CO-SPONSORS ADDED

Reps. Campbell and Smith (C) were added as co-sponsors to the bill, H. 337.

RESOLUTION

The following resolution was introduced:

By Rep. Parker:

H. J. R. 152. HONORING MARISA GARDNER OF CHICKASAW, ALABAMA, FOR HER CONTRIBUTION TO ENVIRONMENTAL EDUCATION.

WHEREAS, Marisa Gardner has been a long time and active resident of Chickasaw, Alabama; and

WHEREAS, her involvement and unselfish dedication of time and effort to further Environmental Education among all citizens of Mobile County is well known to all; and

WHEREAS, her hard work study, devotion, research and educational efforts on environmental issues have brought her recognition as one of the most knowledgeable citizens in this important field; and

WHEREAS, she has returned to her work in the environmental field following a brief illness; and

WHEREAS, all residents of Chickasaw, Alabama, and Mobile County have benefited greatly from her untiring dedication to the improvement of our environment; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Marisa Gardner be commended for her efforts to improve our environment through the education of all individuals on environmental concerns.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Marisa Gardner.

On motion of Rep. Parker, the rules were suspended and the resolution, H. J. R. 152, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 101. Relating to Talladega County; to amend further Act No. 79-592, H. 948, 1979 Regular Session (Acts 1979, p. 1051), entitled, "An act to

authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Talladega County," so as to provide for financing of juvenile justice and law enforcement, by increasing the costs and charges of Court.

Also:

S. 318. Relating to Lee County; levying an additional ad valorem tax in the City of Auburn to be used for educational purposes and providing for a referendum.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

And the bill:

H. 155. To amend Section 41-16-52, Code of Alabama, 1975, which relates to competitive bidding and the expenditure of public funds, so as to increase the present limits on expenditures for repair or lease of heavy duty off-highway construction equipment that may be made without the requirement of competitive bids being taken from \$1,500 to \$6,000 on parts and repair and from \$1,500 to \$3,000 per month on the lease of such equipment.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Escott, Gilmer, Goodwin, Grimsley, Grouby, Harper (O), Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Pegues, Rains, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Turner, Turnham, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—62

CO-SPONSOR ADDED

Rep. Ray was added as co-sponsor to the bill, H. 155.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 298. To propose an amendment to Article XIV, Section 264 of the Constitution of Alabama of 1901 to increase the number of trustees of the University of Alabama and to provide for their election; to provide for the retirement of the trustees; and to alter the terms and provide a maximum number of consecutive terms of service; and to provide for and clarify the position of trustee emeritus.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 499. To amend section 28-3A-21 of the Code of Alabama 1975 relating to license fees levied for the sale of certain alcoholic beverages, so as to provide further for such licenses for certain clubs.

Was taken up.

AMENDMENT OFFERED

Rep. Seibels offered the following amendment to the bill, H. 499:

On page 2, in Section 1, at the end of line 9, strike the period and insert:
and/or clubs which are non-profit making

MOTION TO TABLE LOST

The motion offered by Rep. Minus to table the motion offered by Rep. Sasser to temporarily postpone consideration of the bill, H. 499 with pending amendment, was lost.

Yeas 29; Nays 39.

Yeas:

Reps.: Albright, Amari, Barton, Bennett, Carter, Cheatwood, Clark (G), Cosby, Daniels, Edwards, Gafford, Gregg, Hall, Harvey, Holmes, Kelley, Letson, Lewis, Manley, Minus, Pegues, Rains, Roberts, Seibels, Shavers, Smith (M), Stewart, Willis and Wyatt.

—29

Nays:

Mr. Speaker, Adams (C), Adams (H), Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Clark (W), Cooley, Crow, Escott, Ford, Gilmer, Grouby, Harper (O), Harrison, Holley, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, McMillan, Mitchell, Moore, Naramore, Olive, Owens, Patton, Sasser, Tucker, Turner, Turnham, Waggoner, Ward, Warren and Whatley.

—39

H. 499 TEMPORARILY POSTPONED

The question was again on the motion offered by Rep. Sasser to temporarily postpone consideration of the bill, H. 499 with pending amendment, and the motion to postpone was adopted.

Yeas 52; Nays 29.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Clark (W), Cooley, Crow, Daniels, Dixon, Drinkard, Escott, Ford, Gafford, Gregg, Grouby, Harper (O), Harrison, Harvey, Holley, Horn, Howard, Johnson (Roy), Kelley, Kennedy, Laird, McKee, McMillan, Moore, Naramore, Nevett, Olive, Owens, Ray, Riddick, Sasser, Stewart, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley and Williams.

—52

Nays:

Reps.: Albright, Amari, Barton, Bennett, Cabaniss, Carter, Cheatwood, Clark (G), Cosby, Edwards, Gilmer, Hall, Johnson (R. G.), Letson, Lewis, Manley, Minus, Patton, Payne, Pegues, Rains, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (M), Willis and Wyatt.

—29

RESOLUTIONS

The following resolutions were introduced:

By Rep. Moore:

H. J. R. 153. HONORING JUDGE JAMES HUGHSTON SHARBUTT UPON HIS RETIREMENT FROM THE ALABAMA JUDICIARY.

WHEREAS, James Hughston Sharbutt was born on the 31st day of August, 1917 in Shelby County, Alabama, being the first and only male child of Ira Leroy Sharbutt and Lillie Mae Cosper Sharbutt; and

WHEREAS, he graduated from Vincent High School in 1934 and the University of Alabama School of Law in 1950; and

WHEREAS, he practiced law from 1950 to 1967 principally in Shelby and Talladega Counties; and

WHEREAS, Judge Sharbutt served as Mayor of Vincent from 1949 to 1967 where he was a prominent and influential leader in the civic, social and religious life of his community; and

WHEREAS, he served as District Attorney of the Eighteenth Judicial Circuit, Clay, Coosa and Shelby Counties, from 1967 to 1971, where he was known as a highly competent and fearless prosecutor; and

WHEREAS, Judge Sharbutt served as Circuit Judge of the same circuit and counties from 1971 to 1980 where he established a record as one of the State's outstanding Circuit Judges; and

WHEREAS, Judge Sharbutt retired from The State Judiciary on the 7th day of January, 1980 and thereafter aided, assisted and became a constant

companion to his faithful and beloved wife, Virginia Lee Stallworth Sharbutt, who departed her natural life on the 5th day of January, 1981 after a seven-year battle with cancer; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Judge James Hughston Sharbutt for extraordinary service as a State District Attorney and Circuit Judge; we further wish him well in all future endeavors and direct that he receive a copy of this resolution that he may know of our esteem and deep appreciation for his years of service to the State of Alabama.

The resolution, H. J. R. 153, was read and referred to the Standing Committee on Rules.

Also:

By Rep. Moore:

H. J. R. 154. MOURNING THE DEATH OF VIRGINIA LEE STALLWORTH SHARBUTT.

WHEREAS, The State of Alabama, Shelby County and The Vincent Community suffered a distinct loss in the death of Virginia Lee Stallworth Sharbutt, on January 5, 1981; and

WHEREAS, Mrs. Sharbutt was a loyal alumnus of Alabama College, now University of Montevallo, having graduated from that institution with a bachelor of science degree in 1937; and

WHEREAS, Mrs. Sharbutt had been employed by The Shelby County Board of Education and taught Vocational Home Economics at Vincent High School for twenty years; and

WHEREAS, Mrs. Sharbutt was a devoted community builder who served as Vincent's first woman Mayor, Chairwoman of The Water Works Board, and charter member of The Library Board; and

WHEREAS, Mrs. Sharbutt was a prominent and influential leader in the civic, social and religious life of her community, giving freely of her time and energy to these institutions; and

WHEREAS, The State of Alabama, Shelby County and The Vincent Community will miss Virginia Lee Stallworth Sharbutt for whom we have long admired and respected as a Christian, Teacher, Mayor and Civil Servant; and

WHEREAS, Mrs. Sharbutt is survived by her husband, Judge James Hughston Sharbutt, her aunts, Ruby Ferguson Stallworth, Mamie Ferguson Smith, Mary Stallworth Swain, and many other relatives and a host of friends who mourn her death; Now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret the passing of Mrs. Virginia Lee Stallworth Sharbutt and extend our sincere and heartfelt sympathy to the surviving members of her family to whom copies of this resolution shall be sent.

The resolution, H. J. R. 154, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Goodwin:

H. R. 155. CONGRATULATING COLBERT COUNTY HIGH SCHOOL, STATE 3A BASKETBALL CHAMPIONS.

Also:

By Reps. Rains and Stout:

H. R. 156. CONGRATULATING MR. AND MRS. JOSEPH FRED BROTHERS ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Reps. Rains and Stout:

H. R. 157. CONGRATULATING MR. AND MRS. JAMES STARLIN BISHOP ON THEIR 65TH WEDDING ANNIVERSARY.

MOTION TO ADJOURN LOST

The motion offered by Rep. Harrison that the House adjourn until 10:00 o'clock a.m., Thursday, March 19, 1981, was lost.

Yeas 37; Nays 39.

Yeas:

Reps.: Albright, Barton, Bennett, Brakefield, Cabaniss, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Dixon, Escott, Goodwin, Gregg, Hall, Harper (O), Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Manley, Moore, Nevett, Patton, Pegues, Roberts, Shavers, Shoemaker, Smith (M), Starkey, Trammell, Turner and Whatley.

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Nays:

Mr. Speaker, Adams (C), Adams (H), Amari, Biddle, Blake, Bowling, Campbell, Carothers, Carter, Crow, Gafford, Gilmer, Grimsley, Grouby, Holley, Kelley, Laird, Lewis, McKee, McMillan, Naramore, Olive, Owens, Parker, Payne, Rains, Ray, Sasser, Smith (C), Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

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SPECIAL ORDER RESUMED

And the bill:

H. 417. (With Amendment). To amend Act No. 80-691, H. 811, 1980 Regular Session (Acts of Alabama 1980, p.), which Act creates the Alabama Toll Road, Bridge and Tunnel Authority, defines its powers and duties and authorizes the issuance of revenue bonds, so as to remove certain maximum rates of annual interest such bonds shall bear, thereby authorizing the Authority to sell such bonds in such a manner and for such a price as it may determine to be in the best interest of the Authority.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 417, Section 7, page 2, lines 22-25 by deleting in its entirety the following sentence. "The amount of premium on any bond shall not cause the yield to be more than six percent per annum from the date of such bonds to the date of their redemption."

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Blake, Brakefield, Cabaniss, Carothers, Carter, Clark (G), Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Escott, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Patton, Pegues, Rains, Ray, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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And the bill, H. 417 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Escott, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Rains, Ray, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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And the bill:

H. 261. To propose an amendment to the Constitution of Alabama of 1901, to prohibit the state, counties, municipalities or other public bonding authorities in this state from issuing tax exempt bonds for the construction or development of any establishment engaged primarily in retail sales of products or services to the general public.

Was taken up.

SUBSTITUTE OFFERED

Rep. Venable offered the following substitute to the bill, H 261:

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 1901 prohibiting the State of Alabama, its political subdivisions, and agencies or instrumentalities of one or more of the foregoing, from issuing securities or obligations for the purpose of acquiring, constructing, improving or otherwise developing any establishment, facility or project to be used primarily in the business of making retail sales of goods or products, or of providing services, to the general public and to be operated primarily for the economic or pecuniary benefit of certain private persons, firms or corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is hereby proposed:

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, neither the State of Alabama, nor any county, municipality, or other political subdivision of said State, nor any agency or corporate or other instrumentality of any one or more of the foregoing, including without limitation any municipal or county industrial development board, and any other similar public corporation, authority, or agency, shall issue any bond, warrant, certificate of indebtedness, note, or other similar security or obligation for the purpose of acquiring, constructing, leasing, improving, maintaining, equipping, furnishing, repairing or otherwise developing any establishment, facility or project (a) that is to be used primarily in the business of making retail sales of goods or products, or of providing services, to the general public or any significant or recognizable segment thereof, and (b) that is to be directly or indirectly operated primarily for the economic or pecuniary benefit of any person, firm or corporation other than (1) the State of Alabama, (2) one or more political subdivisions thereof, (3) one or more agencies or corporate or other instrumentalities of the State or any one or more of such political subdivisions, or (4) one or more non-profit charitable, educational or religious entities no part of the net earnings of which inures to the benefit of any private shareholder, member of individual."

Section 2. An election upon the proposed amendment is ordered to be held on the date of the first state-wide election (whether general, primary, or special) held after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama of 1901, as amended, and Chapter 17 of Title 17 of the Code of Alabama 1975.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor, published in a newspaper in each county in the State once a week for four successive weeks next preceding the day appointed herein for the election, and in any county in which there may be no newspaper published, the notice shall be posted at each courthouse therein.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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H. 261 TEMPORARILY POSTPONED

On motion of Rep. Venable the bill, H. 261 as amended, was temporarily postponed.

H. 259 TEMPORARILY POSTPONED

On motion of Rep. Venable, the bill, H. 259, was temporarily postponed.

H. 260 TEMPORARILY POSTPONED

On motion of Rep. Venable, the bill, H. 260, was temporarily postponed.

H. 262 TEMPORARILY POSTPONED

On motion of Rep. Venable, the bill, H. 262, was temporarily postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Miller, White, Goodwin and Cook:

S. J. R. 77. CREATING A JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE THE POTENTIAL EFFECT ON THE COST OF HOSPITALIZATION AND THE PROVISION OF HEALTH CARE IN ALABAMA IF A FOREIGN CORPORATION PURCHASES A CONTROLLING INTEREST IN A CORPORATION OWNING OR OPERATING HOSPITALS IN ALABAMA.

WHEREAS, Brookwood Health Services, Inc., ("Brookwood") is the largest investor owned provider of health services in Alabama owning or operating hospitals either directly or pursuant to management contracts which facilities contain approximately 841 beds; and

WHEREAS, many citizens of the State have complained about the high cost of hospitalization and the inadequate health care services provided in hospitals; and

WHEREAS, a foreign corporation has offered to purchase all of the issued and outstanding capital stock of Brookwood tendered on or before April 8, 1981; and

WHEREAS, if such foreign corporations purchase a controlling interest in Brookwood, the cost of hospitalization in formerly Brookwood owned facilities could be tremendously increased and the quality of health care services in Alabama could be decreased; NOW, THEREFORE, BE IT RESOLVED, BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING that there is hereby created a select committee to be comprised of four members of the House and four members of the Senate provided that one such member from the House and one such member from the Senate shall represent the constituents of Coffee County, to be appointed by the presiding officers of each house.

The Chairman and Vice Chairman of the committee shall be elected at the first meeting thereof by the members of the committee. The committee shall investigate the potential effect on the cost of hospitalization and the provision of health care in Alabama which might occur in the event a foreign corporation purchases a controlling interest in any health care facility in this state. The Attorney General shall provide the committee with legal advice if requested. The committee shall report to the Legislature on the last day of the 1981 Regular Legislative Session, after which the committee will expire.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Waggoner, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 77, set out in the above and foregoing message from the Senate.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bill hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:45 on March 17, 1981.

H. 443

H. J. R. 116

H. J. R. 120

H. J. R. 123

Delivered to the Governor at 3:30 P.M. on March 17, 1981.

H. 229

H. 397

H. 476

H. J. R. 132

Delivered to the Secretary of State at 4:40 P.M. on March 17, 1981.

H. 298 (Constitutional Amendment)

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Clark (G), and pursuant to the resolution H. R. 131, heretofore adopted the House adjourned until 10:00 o'clock a.m., Thursday, March 19, 1981.

Yeas 46; Nays 26.

Yeas:

Mr. Speaker, Adams (H), Albright, Blake, Brakefield, Buskey, Cabaniss, Campbell, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Dixon, Ford, Goodwin, Gregg, Grimsley, Harper (O), Harrison, Howard, Johnson (Roy), Laird, Langford, Letson, Manley, Minus, Moore, Nevett, Olive, Patton, Pegues, Ray, Reed, Riddick, Sasser, Shoemaker, Smith (M), Starkey, Trammell, Turner, Venable, Whatley and Willis.

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Nays:

Reps.: Adams (C), Amari, Bedsole, Biddle, Carothers, Gafford, Grouby, Holmes, Kelley, Lewis, McKee, McMillan, Mitchell, Owens, Parker, Payne, Rains, Roberts, Seibels, Smith (C), Smith (J), Stewart, Turnham, Waggoner, Williams and Wyatt.

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TWELFTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 19, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Robert Ostenson, Trinity Presbyterian Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

JACK BIDDLE,
Chairman.

On motion of Rep. Pegues, the reading at length of the Journal of the House for the eleventh legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the eleventh legislative day was approved.

LEAVES OF ABSENCE

At the request of Rep. Carter, leave of absence was granted for Rep. Roberts.

At the request of Rep. Pegues, leave of absence was granted for Reps. Manley, Hines and Turnham.

At the request of Rep. Cosby, leave of absence was granted for Rep. Hammett.

At the request of Rep. Campbell, leave of absence was granted for Rep. Dial.

At the request of Rep. Coburn, leave of absence was granted for Rep. Goodwin.

RESOLUTION

The following resolution was introduced:

By Rep. Pegues:

H. R. 158. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, March 19, 1981, we adjourn to meet again on Tuesday, March 24, 1981, at 1:00 P. M.

On motion of Rep. Pegues, the rules were suspended and the resolution, H. R. 158, was adopted.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 324. (With Substitute): An Act to provide for the establishment of a Board of Commissioners for Alabama Universities; to describe the scope, authority, and duties of such Board of Commissioners; to provide for the composition of, eligibility for, and succession to the Board; to provide for the method of filling vacancies to the Board; to provide that funds shall be appropriated for the operation of the Board; to provide that the Board shall

make reports to the Governor and the Legislature; to provide for rule making authority in the Board, procedures for requiring compliance with Board policies and rules, procedures for approval of new programs, withdrawal of approval for inefficient programs, approval of new institutions, and approval of fees and tuitions; to provide that the Board shall submit and recommend a unified budget; to proscribe new institutions or off-campus educational activities without approval of the Board; to provide for the method of appropriating funds for private institutions or students attending same; to authorize the Board to reallocate institutional budgets; to authorize the Board to consolidate or abolish institutions and to grant the Board authority to abolish or add degrees; to provide for the staff and the employment of other professional and clerical personnel and for their compensation.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 578. To amend Section 36-30-20, Code of Alabama 1975, which defines the term state trooper for compensation for death or disability from occupational diseases, so as to include conservation enforcement officers within said definitions.

S. 392. To consolidate the administration of Athens State College, John C. Calhoun Junior College, and John C. Calhoun Technical College under a single administration.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 651. Prohibiting any public water supply system, operating from the site of its principal place of business in one county from charging customers in one municipality, or in any unincorporated area within any county at a higher rate than customers in any other municipality or unincorporated area within the county of its principal place of business; and prescribing penalties for violations.

H. 619. Relating to state finance; providing certain procedure for payment of certain vouchers by the state comptroller and prescribing penalty for violation.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 375. (With Amendments): To amend section 25-4-91, The Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, so as to permit a claim to be reopened and redetermined within two years after the end of the benefit year if the original determination was based upon false or misrepresented information.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 284. (With Amendment): To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 60. To permit a period of silence to be observed for the purpose of meditation or voluntary prayer at the commencement of the first class of each day in all public schools.

S. 150. To provide for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

H. 646. Establishing a state board of barber examiners and prescribing ing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of this act.

H. 615. To make further provisions for the issuance of obligations by Alabama federal aid highway finance authority by amending article 10 of chapter 1 of Title 23 of the Code of Alabama of 1975 so as to provide for the issuance and use of proceeds of obligations of the authority for the purpose of anticipating and providing for not only the federal share of the cost of constructing interstate and defense highways but also for the purpose of anticipating and providing for the federal share of the costs of constructing state highways to the extent that the said highways constitute primary highways as defined in section 23-1-301; to delete the requirement that obligations be issued only for the purpose of providing funds to pay the federal share of the costs of constructing highway projects qualifying for reimbursement from the United States of America on a nine to one matching basis and to permit obligations of the authority to be issued and proceeds thereof to be expended for payment of any cost of constructing any interstate, defense or primary highway which is to be repaid or reimbursed to the state by the said United States pursuant to the written agreement provided for in this article; to amend section 23-1-300 of the said Code so as to provide that obligations of the authority shall be payable solely from federal-aid highway funds to be received during the federal fiscal years ending in 1978 through 1995 (rather than the federal fiscal years 1978 through 1983); to amend section 23-1-301 of the said Code by (i) permitting the issuance of temporary bonds in coupon form, (ii) amending the definition of bond to include refunding bonds issued to

refund outstanding obligations, (iii) amending the definition of note by further defining a note as an obligation which recites on its face that it is issued in anticipation of the sale by the authority of bonds and which is payable to the order of a named payee, and (iv) further defining a temporary bond as an obligation issued by the authority which recites on its face that it is issued in anticipation of the sale by the authority of bonds; to amend section 23-1-307 of the said Code by (i) deleting the provision of the said section which provides that the cost to be reimbursed by the federal government does not include the expense of borrowing or interest on obligations issued by the authority, and (ii) providing that the authority may from time to time sell and issue refunding bonds for the purpose of refunding any then outstanding obligations of the authority and to provide that the provisions of the said section limiting the aggregate principal amount of bonds to \$212,000,000 shall not apply to refunding bonds; to extend from eight to fifteen years the maximum permissible maturity date of bonds; to delete the requirement of section 23-1-310 of said Code that the bonds be sold only at public sale and at a price at least equal to their true value and to provide that any obligation of the authority may be sold either at public or private sale and at such prices as may be deemed most advantageous by the board of directors, but that none of the obligations may be sold for a price less than 97% of their par or face value; to exempt all obligations issued by the authority from the laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of chapter 8 of Title 8 of the code of Alabama of 1975; to amend section 23-1-313 of the said Code by (i) deleting the prohibition with respect to the use of the proceeds of obligations of the authority for payment of fees of fiscal agents or financial consultants, and (ii) providing that proceeds of refunding bonds may be used for payment of principal of and interest on any outstanding obligations of the authority and for payment of any redemption premium necessary in order to redeem or retire the said outstanding obligations; to amend section 23-1-314 of the said Code by (i) extending the period for which funds to be received by the state from the United States government may be pledged to the federal fiscal year ending in 1995, and (ii) providing that the said funds received from the federal government during any federal fiscal year should be set aside to pay not only those obligations of the authority which mature during such federal fiscal year but also any obligations which are subject to mandatory redemption by the authority during any such federal fiscal year; and to make certain other clarifying changes and to correct certain typographical errors.

H. 496. To amend Section 36-27-23, Code of Alabama 1975, which provides for the membership of the board of control of the state employees' retirement system, so as to provide further for said membership.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 457. (With Substitute): To amend Sections 43-3-7 and 43-3-8 of the Code of Alabama 1975, relating to inheritance laws regarding illegitimate children and their fathers, so that each party may inherit from one another.

Rep. Roberts, Chairman of the Standing Committee on Business and Labor reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 430. To provide that the fire fighters of any municipality may by the election provided for in this Act designate a bargaining agent to represent them in respect to the wages the municipality employing them pays to them as fire fighters and in respect to other conditions of their employment; to provide the procedure for elections to be called and held under this Act, including the elections to certify a bargaining agent and elections to decertify a bargaining agent; to provide for collective bargaining proceedings to be instituted by the bargaining agent for the fire fighters or the officer, commission or board empowered to establish wages for the fire fighters; to authorize the Director of Labor to establish rules and regulations governing the call of, notice of and conduct of elections held hereunder; to provide for a procedure for binding arbitration; to provide for the appointment of arbitrators and define said arbitrators' jurisdiction and authority; to provide that the arbitrators' decision shall be binding upon all parties; and to provide for the enforcement of such decision by the circuit court and to provide for penalties; and to provide that this Act shall be known as the "Fire Fighters' Employee-Employer Relations Act," and that the provisions thereof are supplementary to and shall be construed in pari materia with Act No. 229, H. 146 (Acts 1967, p. 598).

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 502. To authorize certain minors to consent to the donation of bone marrow for purposes of bone marrow transplantation and authorize a parent or legal guardian of all other minors to consent to such bone marrow transplantation.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 599. (With Amendments): To require group health insurance policies, contracts and plans to provide certain benefits for the care and treatment of mental, emotional or nervous disorders, drug dependence, alcoholism, or mental retardation in licensed or certified programs and to provide for minimum levels of benefits.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 459. To require that before a license is issued for a hazardous waste site, the state health department and the health department of the county where the site will be located shall each approve the site.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 469. (With Amendment): To require a public hearing and referendum before a license or permit required under the Hazardous Wastes Management Act of 1978 is issued to any corporation, partnership, association or person engaging in hazardous waste disposal.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 163. To delete the requirement that physicians be certified in the sub-specialty of oncology to dispense cannabis under the Controlled Substances Therapeutic Research Act; to provide that the State Board of Medical Examiners may apply to contract with the National Institute of Drug Abuse for receipt of cannabis; to provide that the Board may formulate and promulgate such guidelines as are necessary for dispensing cannabis; and to provide that the Board may establish the rules and regulations requiring accurate reporting and accountability by each practitioner.

S. 310. To provide for health insurance claim forms; requiring the State Insurance Commissioner to prescribe standard health insurance claim forms to be used by hospitals; requiring acceptance of such forms by insurers doing business in the State of Alabama; requiring the use of such forms by those agencies of the state which pay providers of health care for hospital and physicians' services.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read second time and placed on the Calendar, to-wit:

H. 654. To provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by majority vote of members attending a meeting called to consider conversion.

Rep. Cabaniss, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 195. To provide that any member of the teachers' retirement system or the employees' retirement system of Alabama who shall have attained the service requirements for surviving spouse benefits may nominate such person as he may desire to receive any benefits payable on account of his death prior to his date of retirement.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 370. (With Substitute): To provide for the filling of all vacancies in state, county and municipal offices; to provide that if one-half or more of the term is remaining, the vacancy shall be filled by a special election called by the Governor; if less than one-half of the term is remaining, the vacancy shall be filled by appointment of the Governor; and to repeal Section 36-9-17, Code of Alabama 1975, and all other conflicting laws.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 667. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Leeds, in Jefferson County.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 659. Relating to Dallas County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

H. 660. Relating to Dallas County; amending Act No. 136, H. 119, 1967 Regular Session (Acts 1967, p. 187), which provides for the issuance of a pistol permit, so as to increase the fee for said permit.

H. 661. Relating to Dallas County; to provide for a continuous system of compensation for election officers.

H. 663. Relating to Perry County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

H. 665. Relating to Conecuh County; regulating and providing for the payment of compensation of election officers.

H. 675. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in Marengo County.

H. 686. To provide that the investigators of the district attorney of the Thirty-ninth Judicial Circuit shall have arrest powers in Limestone County.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 690. To amend Section 1 of Act 80/342 of the 1980 Regular Session and to correctly designate a street name.

Rep. Gregg, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 685. Relating to Madison County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

H. 655. To amend further Sections 3 and 4 of Act No. 324, S. 356, Local Acts of the Legislature 1923 (Local Acts 1923, p. 216), as amended, relating to the establishment of the county commission for Madison County, Alabama, so as to redefine the boundaries of the commissioner's districts in said county and provide further for the election of the members and chairman of such commission and to provide for referendum approval of such redefinition of such districts.

Rep. Holley, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 562. (With Amendment): To provide for restrictions on size and combinations of motor vehicles on state highways.

Rep. Holley, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 446. (With Amendments): To provide for limitations on the amount of salaries and other compensation paid to executive and other officers of electric utilities regulated by the Alabama Public Service Commission in determining the net return earned by such electric utility for the purpose of determining reasonableness of electric rates, and to provide for the repeal of all laws or parts of laws which conflict with the provision of this Act.

Rep. Holley, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 112. To amend Sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, or whether created by general, special or local laws, or general laws of local application, if the authority governs an airport operated by a county and at least one municipality therein jointly, to be eligible recipients of funds and assistance from the state industrial development authority.

H. 689. To amend Section 37-1-50 of the Code of Alabama 1975, which requires any utility abandoning all or any portion of its service to the public, except for non-payment of charges, to make application to the public service commission for a certificate therefor, so as to specifically include the closing of any office of any utility.

H. 647. Relating to the reorganization and structure of the Public Service Commission; relating to the further regulation of public utilities; defining terms; providing further for the public utilities generally, their rates, services and operations; creating the office of director of the Public Staff Agency, defining his duties, powers, jurisdiction and benefits; creating the Public Staff Agency; prescribing the powers, duties, and jurisdiction for such agency; providing for its personnel, their duties as consumer advocates, authority, compensation and benefits; providing that the commissioners shall be physically separated from the agency; prescribing the manner and procedures for hearings and appeals; providing for judicial procedures, keeping of records and reporting; providing for the duties and powers of the commissioners as these relate to public utilities; providing for administering of oaths; granting the jurisdiction and powers of a court of general jurisdiction for certain agency staff and the commissioners; providing for exceptions to orders; prescribing evidentiary procedures and matters for

stipulation; prohibiting certain communications and contacts; providing responsibility for burden of proof; transferring all functions, duties, jurisdiction, authority, property, funds, documents, files, of whatsoever nature in the office of the Attorney General, relating to public utilities, pursuant to Sections 37-1-16 through 37-1-18 of the Code of Alabama 1975 to the Public Staff Agency; creating the Legislative Oversight Committee on Utilities, prescribing its membership, duties and jurisdiction; prescribing for the selection and appointment of the director and chief hearing examiner; amending Sections 37-1-5, 37-1-31, 37-1-32, 37-1-38, 37-1-39, 37-1-40, 37-1-41, 37-1-42, 37-1-43 and 37-1-44 of the Code of Alabama 1975, so as to include the director or agency, as the case may be; restoring criminal penalties for intentionally misleading a public servant and falsification; preserving rights and laws not affected by the reorganization; providing the provisions of this Act are cumulative except where it is in conflict or inconsistent; providing for severability and effective date.

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 340. (With Substitute): To amend Section 16-24-5, Code of Alabama 1975, relating to the transfer of a teacher on continuing service status, so as to provide further for any such transfer.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Reps. Moore and Boles:

H. 697. To require any public water supply system or any water works authority or corporation to charge a uniform price for water or service throughout the areas it serves. It provides penalties for violations.

Ways and Means.

By Rep. Moore:

H. 698. To prescribe that gasoline prices must be displayed; to prescribe the size of any high-rise display for the price of gasoline; to provide that gasoline must be sold at the advertised price; to provide for the department of agriculture and industries to conduct inspections; and to provide for penalties for violations.

Ways and Means.

By Rep. Starkey:

H. 699. To amend sections 34-31-1, 34-31-3, 34-31-5, 34-31-7, 34-31-8, 34-31-9, 34-31-12, 34-31-15, and 34-31-16 of the 1978 supplement to the 1975 Code of Alabama so as to:

- (1) Clarify the definition of Regulated Contractor.
- (2) Exclude Professional Engineers, Professional Architects and certain Registered Contractors from this regulation.
- (3) Regulate roofing contractors involved in commercial roofing only.

- (4) Make the language of the Chapter consistent throughout.
- (5) Change the renewal date for Certification.
- (6) Change the number of required board meetings from monthly to bi-monthly.
- (7) Define a license and permit bond.
- (8) Allow for travel expense for board members.

State Administration.

By Rep. Ray:

H. 700. To amend Section 35-11-210 of the Code of Alabama 1975, which provides for certain liens for work performed so as to provide further for such liens.

State Administration.

By Reps. Smith (M), Zoghby, Kennedy, Patton, Starkey, Gregg, Stewart and Grouby:

H. 701. To provide for an exclusion for income tax purposes of gain from the sale of a personal residence for certain individuals.

Ways and Means.

By Rep. Horn:

H. 702. To repeal Act No. 104, 1964 Regular Session (Acts of 1964, p. 166), and Act No. 129, 1965 Regular Session (Acts of 1965, p. 194), which relate to certain expense allowances for members of city governing bodies having a population of 300,000 or more according to the last federal census.

Local Legislation No. 2.

By Rep. Horn (With Notice and Proof):

H. 703. To specifically repeal Act No. 639, H. 1646, Regular Session 1973 (Acts 1973, p. 946), as amended, which act as amended levies an additional county pistol permit fee and provides for the distribution of the proceeds of such fees in counties having a population of 500,000 or more according to the 1970 or any subsequent federal decennial census.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 703, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Horn (With Notice and Proof):

H. 704. Relating to Jefferson County; to provide for an additional pistol permit fee and for the distribution of the proceeds of such fee; to create a special "sheriff's fund" and to provide for the administration of said fund.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 704, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Horn (With Notice and Proof):

H. 705. To amend Section 3.05 of Act No. 452, Regular Session 1955 (Acts 1955, p. 1004), as amended, providing for a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent federal census, so as to further provide for the compensation of the council.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 705, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Horn (With Notice & Proof):

H. 706. Relating to Jefferson County; to provide for a rifle and shotgun permit fee; to provide that the sheriff's office shall collect such fee and to distribute the proceeds of said fee to the Jefferson County Transit Authority.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 706, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Horn (With Notice and Proof):

H. 707. To provide members of the city of Birmingham's governing body with an expense allowance for attending business of the city within the municipal corporate limits.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 707, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Owens:

H. 708. To amend §16-25-21, Code of Alabama 1975, to require that all city and county boards of education shall pay the employer cost for retirement for all salaries paid by such boards of education which are not included in the Minimum Program Fund.

Ways and Means.

By Rep. Owens:

H. 709. Providing for a decrease in the 1980-81 appropriation to the teachers' retirement system; setting this amount aside in a special account in the state treasury to be held for future use by the legislature in making the appropriation for the 1981-82 fiscal year to the teachers' retirement system.

Ways and Means.

By Rep. Rains:

H. 710. To amend section 16-33-4, Code of Alabama 1975, relating to educational benefits for dependents of blind parents so as to provide further for benefits of such children of deceased blind parents.

Ways and Means.

By Rep. Blake (With Notice and Proof):

H. 711. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Steele in St. Clair County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 711, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 712. Relating to Washington County; providing further for the compensation of the county superintendent of education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 712, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Waggoner, Bennett and Holley:

H. 713. Amending Section 22-21-260, 22-21-263 through 22-21-265, 22-21-267, 22-21-270 and 22-21-276, Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, so as to define a controlling interest in a health care facility; to provide the acquisition of a health care facility shall be subject to review by the state board of health; to provide that the criteria for review in a health care facility acquisition shall include the effect on cost of health care services and whether such acquisition will result in the cancellation of such services; to provide for the procedure for application to the state board of health and local health systems agency for the acquisition of a health care facility, to further provide for certificates of need for health care facilities; and to further provide for denial of reimbursement for services in case of violation of Article 9 of Chapter 21 of Title 22, Code of Alabama 1975.

Health.

By Rep. Waggoner:

H. 714. Proposing an Amendment to the Constitution of 1901 relating to the City of Alabaster in Shelby County; authorizing the municipal governing body to levy an additional ad valorem tax.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Waggoner (With Notice and Proof):

H. 715. To amend Section 8 of Act No. 79-454 of the Regular Session of 1979, herein called "Act 454", which Act 454 provided for the following in Jefferson County: abolishment of the office of Coroner; for all powers, rights and duties performed by coroners to be performed by the governing body of the County through appointed coroner-medical examiners, representatives, or agents; the establishment and composition of the Coroner-Medical Examiners Commission; the powers to be exercised and the duties to be performed by the Coroner-Medical Examiners' Commission; and the terms of office of the members of the Coroner-Medical Examiners' Commission.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 715, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Laird:

H. 716. To provide that the receipt of veterans' benefits is not counted as income when determining eligibility for medicaid benefits as a patient in a nursing home.

Ways and Means.

By Reps. Greer, Mitchell, Hall, Cheatwood, Trammell, Olive, Harvey, Shavers, Adams (H), Starkey, Ford, Bowling, Brakefield, Drinkard, Carothers, Ray, Albright, Carter, Smith (M), Naramore, Gilmer, Grouby, Moore, Sasser, Shoemaker, Patton, Clark (G), Sandusky, Letson, Zoghby, Crow, Laird, Parker, McKee, Wyatt, Daniels, Campbell, Reed, Blake, Gafford, Bennett, Waggoner, Holley, Biddle, Stewart, Minus, Kennedy, Langford, Horn, Clark (W), Cobb, Cooley, Williams, and Rains:

H. 717. To amend section 32-5A-171, Code of Alabama 1975, relating to speed limits so as to prescribe further for the speed limits on 4 lane and interstate highways.

State Administration.

By Reps. Holley, Daniels, Langford, McKee, Wyatt, Venable, Clark (W), Buskey, Turner, Johnson (Roy), Boles, Olive, Escott, Trammell, Moore, Gilmer, Cobb, Cooley, Rains, Clark (G), Smith (M), Bowling, Patton, Albright, Kennedy, Brakefield, Greer, Waggoner, Bennett, Howard, Letson, Shoemaker, Sasser, Johnson (R. G.), Mitchell, Blake, Reed, Adams (C), Carothers, Williams, Campbell, McMillan, Parker, Edwards, Crow, Minus, Barton, Tucker, Amari, Hall, Gregg, Coburn, Gafford and Horn:

H. 718. To provide for a fair net return on hospital earnings; to provide for the regulation of such earnings by the Public Service Commission; and to provide for any excessive earnings to be placed in an escrow account with the proceeds to be appropriated by the Legislature or invested as directed by the Legislature.

Health.

By Rep. Holley:

H. 719. To amend Section 41-16-107, Code of Alabama 1975, relating to contracts for sale of certain state property; providing that the provisions of Article 5 at Sections 41-16-100 through 41-16-109, Code of Alabama 1975, as amended, shall not apply to the sale or disposal of tangible personal property by the State Highway Department when the purchaser or recipient is a county governing body of this state.

State Administration.

By Rep. Coburn:

H. 720. To amend Section 28-3A-19, Code of Alabama 1975, so as to make it unlawful to issue a license to any civic center authority permitting the sale of alcoholic beverages and to repeal conflicting laws.

Ways and Means.

By Reps. Brakefield and Bowling (With Notice and Proof):

H. 721. Relating to Winston County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 721, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bowling:

H. 722. To provide that all paid firemen in any Class 1, 2, 3, 4, 5 or 6 municipality shall not be required to work in excess of 48 hours in any average week throughout the calendar year; and to repeal Act No. 565, H. 391, Regular Session 1963 (Acts 1963, p. 1188), and other conflicting acts.

Local Government.

By Rep. Cooley:

H. 723. The purpose of this bill is to amend § 12-16-34, Code of Alabama 1975, which section relates to the compensation of members of the jury commission; to provide that the amount of compensation to which a member of the jury commission is entitled shall be paid by the state upon the certification of the chairman of the jury commission.

Judiciary.

By Rep. Cooley:

H. 724. To provide for commitment hearings to determine whether defendants acquitted of crimes by reason of insanity should be involuntarily committed to the Alabama state department of mental health; to provide for initial detention of the defendants prior to the final hearings; and to provide for the commitment of such persons.

Judiciary.

By Reps. Bowling, Cosby, Willis, Letson, Smith (M), Harvey, Ford, Drinkard and Boles:

H. 725. To require the Alabama Alcoholic Beverage Control Board to continue purchasing a quantity of its inventory in the form of alcoholic beverages in miniature containers for distribution to retailers; to restrict liquor licensees to certain purchases of alcoholic beverages; to prescribe the manner such beverages shall be served to the consumer; and to prescribe penalties.

State Administration.

By Rep. Dixon:

H. 726. To exempt the Drum Corps in Montgomery, Inc., doing business as Southwind Drum and Bugle Corps, from the payment of all state, county and municipal sales and use taxes.

Ways and Means.

By Rep. Kelley:

H. 727. Relating to the Twenty-seventh judicial circuit; to authorize circuit judges in such circuit to transfer venue in civil and criminal trials from one courthouse to another within said circuit regardless of whether the defendant waives venue rights.

State Administration.

By Rep. Kelley:

H. 728. Relating to the Twenty-seventh Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

State Administration.

By Reps. Nevett, Escott, Jackson and Howard:

H. 729. To grant and provide for payment of an annual two thousand dollar cost-of-living pay raise to be paid teachers, principals and supervisors and to appropriate money for such purpose.

Ways and Means.

By Rep. Minus (With Notice and Proof):

H. 730. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter

County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violations.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 730, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Langford, Cooley, Escott, Turner, Clark (W), Tucker, Buskey, Wyatt, Johnson (Roy), Grimsley, Holley, Ray, Horn, Howard, Rains, Ford, Holmes, Nevett, Amari, Bennett and Stout:

H. 731. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Ways and Means.

By Reps. Johnson (R. G.) and Shoemaker:

H. 732. Relating to corporations and associations; to amend Title 10, Article 6, Code of Alabama of 1975, which provides for the organization and operation of health care service plans; to amend the heading to § 10-4-109 of Code of Alabama of 1975 to read "Regulation of rates, charges, fees, dues and reimbursements"; to identify the existing § 10-4-109 of Code of Alabama of 1975 as paragraph (a); and to add a new paragraph (b) to § 10-4-109 of Code of Alabama of 1975 to provide for reimbursement to health care facilities based on charges rather than costs.

Health.

By Rep. Amari:

H. 733. To amend Section 36-26-24, Code of Alabama 1975, which relates to the transfer of classified employees, so as to further provide for the transfer of said employees.

State Administration.

By Rep. Mitchell:

H. 734. Relating to the functions of the Alabama Board of Funeral Services to amend Sections 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131, Code of Alabama 1975, so as to authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; allow board to increase annual renewal fees for funeral directors and embalmers up to \$25.00 and up to \$100.00 for operators; provide penalties of up to \$25.00 for lapsed licenses; allow board to increase application fees for funeral directors and embalmers up to \$100.00; require board to charge \$75.00 for second or subsequent inspections of prospective licensed establishments; allow board to increase application fee for funeral establishments up to \$300.00; lower minimum age and educational requirements for funeral director or embalmer apprentices; allow the board to increase apprentice fees up to \$20.00; and to require apprentice time to be supervised.

Health.

By Rep. Turner:

H. 735. To repeal Act No. 83, H. 114, 1963 Regular Session (Acts 1963, p. 463), as amended, and Act No. 333, H. 918, 1973 Regular Session (Acts 1973, p. 476), which provide for the compensation of the county superintendent of education in counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census.

Local Legislation No. 1.

By Rep. Ray:

H. 736. To make a supplemental appropriation from the state treasury to the Charles Henderson High School of Troy for the fiscal year ending September 30, 1981, for the purpose of sending the marching band to England to participate in the International Festival of Marching Bands in July.

Ways and Means.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Coburn:

H. R. 159. COMMENDING LELAN KEETON ON HIS SELECTION AS TUSCUMBIA "FIREMAN OF THE YEAR."

Also:

By Reps Bennett and Gilmer:

H. R. 160. HONORING MRS. LAURA MAE CANNON PULLIAM AS ALABAMA'S MOTHER OF THE YEAR 1981.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 134. DESIGNATING THE FIRST WEEK IN JUNE, EACH YEAR, AS "ALABAMA GARDEN WEEK" IN OUR STATE.

Also:

H. J. R. 135. NAMING THE LIBRARY AT TUSCALOOSA COUNTY HIGH SCHOOL, THE "LURLEEN B. WALLACE MEMORIAL LIBRARY."

Also:

H. J. R. 136. RECOGNIZING BILLY JACKSON FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 137. RECOGNIZING KEN JOHNSON FOR OUTSTANDING ACHIEVEMENT.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

H. J. R. 153. HONORING JUDGE JAMES HUGHSTON SHARBUTT UPON HIS RETIREMENT FROM THE ALABAMA JUDICIARY.

On motion of Rep. Biddle, the resolution, H. J. R. 153, was adopted.

Also:

H. J. R. 154. MOURNING THE DEATH OF VIRGINIA LEE STALLWORTH SHARBUTT.

On motion of Rep. Biddle, the resolution, H. J. R. 154, was adopted.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Payne:

H. R. 161. COMMENDING THE PINSON VALLEY WRESTLING TEAM FOR WINNING ITS SECOND STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Denton:

S. 143. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 143. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Callahan (With Notice and Proof):

S. 281. Relating to Mobile County; to exempt Mobile County from the provisions of any Act of the 1981 Regular Session of the Alabama Legislature increasing the salaries of state troopers or any other employee of the Alabama Department of Public Safety.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 281, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 281. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Little:

S. 29. To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of a hotel owner, to require hotel owners to install and maintain smoke detectors in their rooms, to further provide for criminal penalties for removing said smoke detectors.

Also:

By Messrs. Taylor, Vacca and Bailey:

S. 263. To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members; and providing liability insurance protection for county officials, county employees and county property.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 29. State Administration.

S. 263. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. deGraffenried and Callahan:

S. 208. To amend Section 22-50-1, Code of Alabama, 1975, by adding a definition of the Alabama Mental Health Finance Authority ("Authority") thereto; to authorize and empower the Alabama Mental Health Board ("Board") to enter into one or more loan agreements with the Authority under the terms of which the Board may borrow from the Authority proceeds of bonds issued by the Authority for the purpose of obtaining funds with which to pay for construction, reconstruction, alteration and improvement of buildings and other facilities for mental health purposes in the State, including the procurement of sites and equipment therefor; to authorize the Board to give promissory notes and other instruments and agreements to the Authority in connection with such loan agreements in order to evidence its obligation to pay to the Authority, in consideration of the loan or loans received by the Board, amounts sufficient to permit the Authority to pay the debt service on the bonds of the Authority secured by the particular loan agreement or agreements; to provide that other terms of loan agreements shall be determined by the board of directors of the Board; to provide that the obligations of the Board under such loan agreements and related instruments are exempt from all laws of the State governing usury or otherwise limiting interest rates; to provide that such obligations are solely obligations of the Board and are not obligations or debts of the State; to provide that no public hearing or consent of any body other than the board of directors of the Board is prerequisite to the entry by the Board into any loan agreement with, or the giving of any related instrument to, the Authority; to provide that to secure its obligations to the Authority under any loan agreements, the Board may pledge any and all of its revenues and receipts that are not prohibited by law from being so pledged, such revenues, however, to be so committed only when actually received by the Board, except that the Board may pledge anticipated revenues from specified taxes; to make an appropriation of portions of such taxes first for such purpose and secondly for other lawful purposes of the Board; and to direct the State Treasurer, from and after the entry by the Board into any loan agreement, to deposit the pledged revenues from the said taxes directly into any revenue fund, debt service fund or reserve fund established under any such loan agreement or any indenture relating to the bonds of the Authority.

Also:

By Messrs. deGraffenried and Callahan:

S. 209. To amend section 28-3-202 of the Code of Alabama, 1975, relating to the levy, collection and disposition of a tax on the selling price of all spirituous or vinous liquors sold by the Alabama alcoholic beverage control board, by deleting the provision therein directing that a remainder portion of the proceeds derived from said tax be paid to the credit of the special mental health fund to be used for mental health purposes, including certain specified purposes, and substituting therefor a provision requiring that such

remainder portion of the proceeds be used to pay the principal and interest, upon respective maturities, on the bonds issued pursuant to Act No. 377 of the 1959 Regular Session and the residue thereafter remaining be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such portion as would otherwise be paid directly to the board into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under any such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Also:

By Messrs. deGraffenried and Callahan:

S. 210. To amend section 28-3-204 of the Code of Alabama, 1975, relating to the levy, collection and disposition of a tax on the selling price of all spirituous or vinous liquors sold by the Alabama alcoholic beverage control board, by deleting the provision therein directing that a portion of the proceeds derived from said tax be paid to the credit of the special mental health fund to be used for mental health purposes, including certain specified purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Also:

By Messrs. deGraffenried and Callahan:

S. 211. To amend section 40-1-31 of the Code of Alabama, 1975, relating, in part, to the distribution of revenues derived from taxes levied under sections 40-21-56, 40-21-57, 40-21-58, 40-21-60, and 40-21-61, by deleting the provision in subsection (1) of 40-1-31 directing that a portion of the revenues, after deduction of the cost of collection, be deposited in the special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into a one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of such loan agreements, the State Treasurer is directed to pay such tax

revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Also:

By Messrs. deGraffenried and Callahan:

S. 212. To amend section 40-23-50 of the Code of Alabama, 1975, relating to the levy and disposition of a privilege or license tax on the gross receipts of the business of certain highways and bridge contractors, by deleting the provision therein directing that a portion of the proceeds of said tax be paid to the credit of the Alabama special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority; and to correct a typographical error in subsection (d).

Also:

By Messrs. deGraffenried and Callahan:

S. 213. To amend section 40-21-55 of the Code of Alabama, 1975, relating to the disposition of the receipts of a tax on the gross receipts of electric or hydroelectric public utilities levied under section 40-21-53, by deleting the provision therein directing that a portion of said tax be deposited in the Alabama special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under any such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Also:

By Messrs. deGraffenried and Callahan:

S. 214. To amend section 40-21-51 of the Code of Alabama, 1975, relating to the disposition of the receipts of an excise tax on the gross receipts of certain public utilities levied by section 40-21-50, by deleting the provision therein directing that a portion of said tax be deposited in the Alabama special mental health fund to be used for mental health purposes, and substituting therefor a provision that such portion be paid directly to the Alabama mental health board, provided, however, that upon the entry by the board into one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any of said loan agreements, the State Treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under any such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; and to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan agreement or agreements with the Alabama mental health finance authority.

Also:

By Messrs. deGraffenried and Callahan:

S. 215. To amend portions of section 40-25-23 of the Code of Alabama, 1975, relating to the disposition of revenues of the privilege tax levied by section 40-25-2 on those who sell, store or receive tobacco products for distribution and the excise tax levied by section 40-25-41 on the storage, use or other consumption of tobacco products purchased at retail, by deleting any reference in said section 40-25-23 to the "general and mental health fund" and providing that the portions of the revenues of said taxes heretofore passing through the "general and mental health fund" before payment thereof to the Alabama mental health board and state health officer in the respective proportions and for the purposes provided, are appropriated to and shall be paid to the said board, or in some instances into designated funds, and said officer without passing through the aforesaid "general and mental health fund", to delete any requirement that the mental health board devote any percentage of the revenues accruing to it under this section to provision of mental health services for the mentally retarded and to provide, instead, that such revenues shall be paid directly to the board, provided, however, that upon entry by the board in one or more loan agreements with the Alabama mental health finance authority pursuant to Chapter 50 of Title 22, and for so long as the board is obligated under any such loan agreement or agreements, the state treasurer is directed to pay such tax revenues directly into any fund or funds established under documents related to the issuance of the bonds of the said authority, to be used, first, to satisfy and secure the board's obligations under such loan agreement or agreements with the Alabama mental health finance authority, and, second, in such other manner as the said board shall lawfully designate for the provision of mental health services; to authorize the mental health board to anticipate such tax revenues and to pledge the same as security for its obligations under such loan

agreement or agreements with the Alabama mental health finance authority; and to delete reference to a contingent distribution of a portion of revenues for the payment of principal and interest on bonds of the Alabama mental health building authority.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 208. Ways and Means.
- S. 209. Ways and Means.
- S. 210. Ways and Means.
- S. 211. Ways and Means.
- S. 212. Ways and Means.
- S. 213. Ways and Means.
- S. 214. Ways and Means.
- S. 215. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. deGraffenried and Callahan:

S. 207. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the State Mental Health Officer, the Director of Finance, two designees of the Lieutenant Governor from the membership of the Alabama Senate and two designees of the Speaker of the House of Representatives from the membership of the said House to become a corporation to be known as the Alabama Mental Health Finance Authority; to prescribe the manner of formation of said Authority; to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to issue and sell bonds and to loan the proceeds thereof to the Alabama Mental Health Board for construction, reconstruction, alteration and improvement of buildings and other facilities, including the procurement of sites and equipment therefor, for mental health purposes in the State; to provide for the execution, form and terms of the bonds of the Authority; to provide that such bonds shall bear interest at a rate or rates not to exceed twelve percent (12%) per annum; to provide that such bonds and the interest thereon shall be payable solely from the revenues and receipts of the Authority under its loan agreements with the Alabama Mental Health Board and that such bonds shall nevertheless constitute negotiable instruments; to authorize the Authority to pledge and assign its loan agreements with the Alabama Mental Health Board as security for the payment of the principal and interest on the bonds of the Authority;

to provide that such bonds shall not be debts or obligations of the State; to provide that such bonds and the income therefrom shall be exempt from taxation, and that such bonds may be used to secure deposits of funds of the State and its political subdivisions, instrumentalities and agencies and for investment of fiduciary funds; to provide for the disposition of the proceeds of the sale of the bonds of the Authority; to provide that the State Treasurer or a corporate trustee shall be custodian of the funds of the Authority; to provide that all bonds of the Authority may be refunded by the issuance of refunding bonds; to authorize the Authority to borrow money for temporary use in anticipation of the issuance and sale of its bonds; to provide for exemption of the properties, income and filings of the Authority from taxation; to provide for disposition of funds and properties of the Authority when its bonds have been paid or provided for; and to provide for the dissolution of the Authority.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 207. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Holmes, Proctor and Teague:

S. 204. To provide that law enforcement officers employed by the Department of Conservation and Natural Resources and law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, pistol and such other personal equipment as the department may designate upon their retirement.

Also:

By Mr. Vacca:

S. 35. To make an additional appropriation to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund, for salaries and certain other expenses for the fiscal year ending September 30, 1981.

Also:

By Mr. Gulledge:

S. 9. Relating to voter registration; to amend Code of Alabama 1975, Section 17-4-158, so as to require that all city clerks be appointed as deputy registrars.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 204. Natural Resources.

S. 35. Ways and Means.

S. 9. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Weeks:

S. J. R. 80. COMMENDING COACH JAY JEFCOAT OF CHARLES HENDERSON HIGH SCHOOL, TROY, ALABAMA.

Also:

By Mr. Weeks:

S. J. R. 78. COMMENDING MRS. ELIZABETH JOHNSON FOR OUTSTANDING SERVICE WITH THE AMERICAN RED CROSS AND AS PIKE COUNTY'S WOMAN OF THE YEAR.

Also:

By Mr. Weeks:

S. J. R. 79. CONGRATULATING AND COMMENDING CHARLES HENDERSON HIGH SCHOOL, STATE 3A 1980 FOOTBALL CHAMPIONS.

Also:

By Mr. Weeks:

S. J. R. 81. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL BAND.

Also:

By Mr. Mitchem:

S. J. R. 84. HONORING MR. GEORGE LINDSEY.

Also:

By Mr. Mitchem:

S. J. R. 85. HONORING MR. JAMES MURRAY CARTER UPON HIS RETIREMENT FROM THE DEPARTMENT OF INDUSTRIAL RELATIONS.

Also:

By Mr. Robertson:

S. J. R. 82. CONGRATULATING THE PATRICIAN ACADEMY STATE FOOTBALL CHAMPIONS, ALABAMA PRIVATE SCHOOL ASSOCIATION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Ray, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 80, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Ray, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 78, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Ray, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 79, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Ray, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 81, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 84, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Kelley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 85, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 82, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Teague, Holmes and Proctor:

S. J. R. 76. COMMENDING VERN SCOTT ON HIS MANY PUBLIC ENDEAVORS AND DECLARING MARCH 20, 1981 AS "VERN SCOTT DAY" IN THE STATE OF ALABAMA.

WHEREAS, Verner Max Scott, known as "Vern" to his many friends and acquaintances was born in Coldwater, Alabama, in Calhoun County, but has been a resident of Talladega since November 1927; and

WHEREAS, he has engaged in many civic activities in his home county, not the least of which is as a member of the Talladega Beautification Council, the Talladega Historical Association and the Alabama Historical Association; and

WHEREAS, he has been editor of the Talladega Historical Association newsletter for nine years, during which time he performed all the duties in publishing this twenty page monthly letter; and

WHEREAS, he has never missed an edition of this most interesting and informative publication; and

WHEREAS, this Legislature wishes to commend and compliment this noted local historian and outstanding citizen by declaring March 20, 1981, as "Vern Scott Day"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do declare March 20, 1981, as "Vern Scott Day" in the State of Alabama as a token of our sincere admiration for this valued and honored citizen.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Vern Scott.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 76, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Robertson:

S. J. R. 70. COMMENDING THE PATRICIAN ACADEMY SAINTS ON THEIR BASKETBALL CHAMPIONSHIP, DISTRICT II, OF THE ALABAMA PRIVATE SCHOOL ASSOCIATION.

Also:

By Messrs. Robertson, deGraffenried, Cook, Holmes, Harrison, Bailey, Barron, Britnell, Callahan, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Higginbotham, Hilliard, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 71. DESIGNATING MAY 12, 1981, AS "LAW ENFORCEMENT OFFICERS APPRECIATION DAY" IN ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 70, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 71, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Pearson, Hilliard, Hall and Cook:

S. J. R. 88. COMMENDING THE SIXTH AVENUE BAPTIST CHURCH OF BIRMINGHAM, ALABAMA, ON THE 100TH ANNIVERSARY OF ITS FOUNDING.

Also:

By Mr. Kirkland:

S. J. R. 89. COMMENDING FIVE MONROE COUNTY INDUSTRIES FOR DONATING A TOTAL OF \$100,000 TOWARDS THE COST OF A PRELIMINARY STUDY FOR A NEW BRIDGE AT CLAIBORNE OVER THE ALABAMA RIVER.

Also:

By Mr. Cook:

S. J. R. 90. POSTHUMOUSLY HONORING VELMA WRIGHT IRONS AS A NATIONALLY RECOGNIZED EDUCATOR AND FOUNDER OF THE FIRST PUBLIC CLASS FOR VISUALLY HANDICAPPED CHILDREN IN THE ALABAMA PUBLIC SCHOOL SYSTEM, AND ENDORSING HER NOMINATION FOR INDUCTION INTO THE ALABAMA WOMEN'S HALL OF FAME.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 88, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 89, the title of which is set out in the above and foregoing Message from the Senate.

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 90, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Hall:

S. J. R. 91. COMMENDING THE PINSON VALLEY WRESTLING TEAM FOR WINNING ITS SECOND STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 91, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Kirkland, Bailey, Barron Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White:

S. J. R. 92. EXTENDING WISHES FOR AN EARLY AND COMPLETE RECOVERY FOR OUR COLLEAGUE, REPRESENTATIVE BROOKS HINES.

WHEREAS, it is with regret that the Alabama Legislature notes the hospitalization of our good friend and colleague, Representative Brooks Hines; and

WHEREAS, Mr. Hines is recuperating from back surgery and although the prognosis is favorable for a complete and total recovery, he is expected to be confined for a period of time; and

WHEREAS, Brooks Hines is serving his second term as the Representative from District 91, Escambia County, and is a member of the Banking and Insurance Committees; he most ably represents not only his own constituency but also the needs and priorities of all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we regret the hospitalization of our friend Brooks Hines and sincerely beseech his complete recovery at the earliest possible time.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Hines that he and his family may know of our deep concern and of our sincere best wishes, extended in friendship and in warm regard.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Biddle, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 92, set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING

On motion of Rep. Minus, the bill, H. 378, was postponed to the fifteenth legislative day.

And the bill:

H. 356. Relating to the Twenty-seventh Judicial Circuit; to provide an expense and automobile allowance of \$300.00 per month to the District Attorney of said Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 31; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Bennett, Blake, Brakefield, Carter, Clark (G), Cobb, Edwards, Grouby, Harper (O), Harvey, Johnson (R. G.), Kelley, Letson, Mitchell, Naramore, Olive, Owens, Patton, Pegues, Ray, Reed, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Venable, Warren and Williams.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 583. To authorize any county of this State having a population of 600,000 or more, according to the 1970 or any succeeding federal decennial census, to reimburse any officer or employee of such county whose clothing or equipment is damaged or destroyed while he is engaged in the performance of his official duties and is acting within the scope of his authority; to provide that a reimbursement hereunder may be less than, but shall not be greater than, the actual cost of replacing or repairing the clothing or equipment which is the subject of the reimbursement; and to empower the governing body of such county to establish procedures for the administration of this act and to establish rules and regulations prescribing the conditions on which payments under this Act shall be made.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 0.

Yeas:

Reps.: Bennett, Biddle, Blake, Brakefield, Carter, Cheatwood, Clark (G), Cosby, Edwards, Gafford, Gilmer, Greer, Grouby, Harper (O), Harvey, Johnson (R. G.), Mitchell, Moore, Naramore, Olive, Parker, Patton, Pegues, Rains, Ray, Reed, Seibels, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Venable, Waggoner and Williams.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Letson, the rules were suspended in order to take up out of order the bill, H. 471.

And the bill:

H. 471. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

Was taken up.

SUBSTITUTE OFFERED

Rep. Letson offered the following substitute to the bill, H. 471:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-9-8 of the Code of Alabama 1975 is hereby amended to read as follows:

§ 16-9-8.

"In counties in which the county superintendent of education is elected by popular vote, the successful candidate shall take office on the July 1 following the date of his election. In the event the successful candidate dies or resigns prior to the July 1 following the date of his election, a successor shall be elected at a special election held for such purpose set upon proclamation of the governor. County party committees shall call primary elections to be held in accordance with Sections 17-7-1 et seq., Code of Alabama 1975, to determine party candidates at such special election. In the event one candidate at such election does not receive a majority of all votes cast at the election, there shall be held a run-off election three weeks after the date of the first election between the two candidates who received the highest number of votes. The incumbent shall continue to hold office until a successor is elected and qualified."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Daniels, Edwards, Gafford, Gilmer, Greer, Grouby, Harper (O), Harvey, Holley, Johnson (R. G.), Lewis, Mitchell, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Seibels, Shoemaker, Smith (C), Smith (J), Trammell, Turner, Venable, Warren, Williams, Wyatt and Zoghby.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 471 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Edwards, Gafford, Gilmer, Greer, Grouby, Harper (O), Holley, Johnson (R. G.), Johnson (Roy), Kelley, McMillan, Mitchell, Moore, Naramore, Olive, Owens, Patton, Penry, Rains, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Trammell, Turner, Venable, Ward, Warren, Williams, Wyatt and Zoghby.

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S. 154 SUBSTITUTED FOR H. 79

On motion of Rep. Pegues, the bill, S. 154, was substituted for the bill, H. 79.

And the bill:

S. 154. (With Substitute): To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any

water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when approved by a majority of qualified electors voting thereon and upon proclamation of the Governor.

PROPOSED AMENDMENT

Revenue bonds or other revenue securities at any time issued by a county for the purpose of extending, enlarging or improving any water, sewer, gas or electric system then owned by such county shall not be deemed to constitute bonds or indebtedness of such county within the meaning of Sections 222, 224 or Amendment No. 342 of this Constitution, if by their terms such bonds or other securities are not made a charge on the general credit or tax revenues of the issuing county and are made payable solely out of revenues derived from the operation of any one or more of such systems.

Section 2. An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

And the substitute was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Hall, Harper (O), Harvey, Holley, Howard, Johnson (R. G.), Johnson (Roy), Langford, Letson, McKee, Mitchell, Moore, Naramore, Olive, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Seibels, Shoemaker, Smith (C), Smith (J), Venable, Waggoner, Ward, Williams, Willis and Wyatt.

—58

And the bill, S. 154 as thus amended, was read a third time at length and passed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter,

Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—81

H. 163 POSTPONED

On motion of Rep. Waggoner, the bill, H. 163, was postponed to the thirteenth legislative day.

H. 79 INDEFINITELY POSTPONED

And the bill:

H. 79. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

Was taken up.

H. 79 INDEFINITELY POSTPONED

On motion of Rep. Pegues, the bill, H. 79, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Gafford, the rules were suspended in order to take up out of order the bill, H. 484.

And the bill:

H. 484. To amend Section 36-17-16 of the Code of Alabama 1975 so as to provide further for the destruction of cancelled state warrants.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Boles, Bowling, Brakefield, Campbell, Carothers, Cates, Cheatwood, Clark (G), Cobb, Cooley, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Hall, Harvey, Johnson (Roy), Kelley, Letson, Lewis, Minus, Moore, Naramore, Olive, Owens, Payne, Penry, Rains, Reed, Smith (C), Smith (J), Stewart, Trammell, Turner, Waggoner, Warren, Williams and Wyatt.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 7. To be known as the Alabama Administrative Procedure Act, providing for the effect, processing, promulgation, publication, and inspection of state agency rules, determinations and other matters; providing for state agency administrative procedures and contested cases and appeals therefrom in licensing and other matters; providing for judicial and legislative review of rules; and providing for the legislative council to be the committee to review all rules of state agencies; requiring every state agency that promulgates rules or regulations to give reasonable public notice thereof; and providing for the indexing and publication of agency rules and for penalties for violation of this act; and repealing all laws that conflict with this Act.

Which was amended by the substitute reported by the Standing Committee on Judiciary on the ninth legislative day, was taken up.

AMENDMENT OFFERED

Rep. Campbell offered the following amendment No. 1 to the bill, H. 7 as amended:

Amend the Substitute for House Bill 7, Section 5(1)(a) page 7 line 11 by inserting the following sentence between the word "action," and the word "the": Date of Publication in the Alabama Administrative Monthly shall substitute the date of notice

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Escott, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harvey, Kennedy, Laird, Letson, Lewis, McKee, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Penry, Rains, Riddick, Seibels, Shavers, Smith (J), Stewart, Stout, Trammell, Turner, Ward, Warren, Williams, Willis and Wyatt.

—56

AMENDMENT OFFERED

Rep. Campbell offered the following amendment No. 2 to the bill, H. 7 as amended:

Amend the substitute for House Bill 7, Section 20(3) line 38 add the following words: restricting the provisions of this subsection to the contrary notwithstanding.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Campbell, Carothers, Cates, Cheatwood, Clark (G), Cooley, Crow, Daniels, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harvey, Kelley, Kennedy, Laird, Letson, Minus, Mitchell, Moore, Naramore, Olive, Parker, Penry, Reed, Riddick, Sasser, Shavers, Smith (C), Smith (J), Stewart, Trammell, Turner, Ward, Warren, Williams, Willis and Wyatt.

—54

AMENDMENT OFFERED

Rep. Campbell offered the following amendment No. 3 to the bill, H. 7 as amended:

Amend the substitute for House Bill 7 Sections 22 and 23 pages 28, 29 and 30 by deleting Sections 22 and 23 in their entirety by striking on page 28 lines 29 through 33, page 29 lines 5 through 35, and page 30 lines 5 through 13, and in lieu thereof, insert the following Sections 22, 23 and 24 and renumber subsequent sections accordingly:

§ 22. Joint Committee on Administrative Regulation Review.

(1) There shall be a joint standing legislative committee known as the Joint Committee on Administrative Regulation Review, to review all agency rules. The committee shall consist of the members of the Legislative Council, and shall meet on the call of the chairman. The chairman shall be authorized to name subcommittees to meet and review agency rules and report to the full committee. Members of the committee shall receive the same compensation, expenses and transportation allowances for meetings as they receive for attendance at meetings of the legislative council. All such compensation and expenses authorized by the provisions of this section shall be paid from funds appropriated to the use of the legislative council.

(2) The Committee shall:

(a) Maintain a continuous review of the statutory authority on which each administrative rule is based, and whenever such authority is eliminated or significantly changed by repeal, amendment, or other factor, advise the agency concerned of the fact.

(b) Review administrative rules and advise the agencies concerned of its findings.

(c) Have the further duties prescribed in Section 23.

(d) The committee shall determine and report annually to the Legislature the total cost to the State allocated to the implementation of this act.

§ 23. Committee Review of Proposed Rules.

(1) The notice required by Section 5(1)(a) of this act shall be given, in addition to the persons there named, to the chairman of the legislative committee. The agency shall furnish the committee with ten copies of the proposed rule or rules, and no rule, except an emergency rule issued pursuant to Section 5(2) of this act, shall be effective until these copies are so furnished. Any member of the Senate and House of Representatives who requests a copy

of proposed agency rules from the chairman of the Joint Committee on Administrative Regulation Review shall be provided a copy and the agency proposing rules shall furnish additional copies of the proposed rule or rules immediately. The form of the proposed rule presented to the committee shall be as follows: New language shall be underlined and language to be deleted shall be typed and lined through.

The committee shall study all proposed rules and, in its discretion, may hold public hearings thereon. In the event the committee fails to give notice to the agency of either its approval or disapproval of the proposed rule within sixty days after its presentation to the committee, the committee shall be deemed to have approved the proposed regulation for the purposes of this section. In the event the committee disapproves a proposed rule or any part thereof, it shall give notice of such disapproval to the agency. No agency shall thereafter issue any rule or directive or take other action to implement such disapproved rule unless the legislature rescinds such disapproval under the provisions of Section 24 of this act.

(2) The committee may propose an amendment to any proposed rule and may disapprove the proposed rule and return it to the agency with the suggested amendment. In the event the agency accepts the rule as amended, the agency may resubmit the rule as amended to the committee. In the event the agency does not accept the amendment, the proposed amended rule shall be submitted to the Legislature as disapproved as provided in Section 24.

(3) An agency may withdraw a proposed rule by leave of the committee. An agency may resubmit a rule so withdrawn or returned under this section with minor modification. Such a rule is a new filing and subject to this section but is not subject to further notice as provided in Section 5(1).

(4) The committee is authorized to review and approve or disapprove any rule adopted prior to the effective date of this act.

(5) In determining whether to approve or disapprove proposed rules, the committee shall consider the following criteria:

(a) Would the absence of the rule or rules significantly harm or endanger the public health, safety, or welfare?

(b) Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?

(c) Is there another, less restrictive method of regulation available that could adequately protect the public?

(d) Does the rule or do the rules have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

(e) Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule or rules?

(f) Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?

(g) Any other criteria the committee may deem appropriate.

§ 24. Submission of disapproved rules to the Legislature.

On the first day of each regular session of the Alabama Legislature the chairman of the committee shall submit copies of all proposed regulations that have been disapproved by the committee under Section 23 of this act to each member of both Houses of the Legislature for their study. Such rules shall be referred by the Speaker of the House or the Lieutenant Governor or both to an appropriate committee or committees, other than the Joint Committee on Administrative Regulation Review, for consideration, and such committee or committees shall schedule hearings thereon, if requested by an effected party or the submitting agency. The Legislature may, by joint resolution, rescind a vote of disapproval of the committee under Section 23.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Campbell, Carothers, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Edwards, Escott, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Kelley, Kennedy, Laird, Minus, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Sasser, Shavers, Smith (C), Stewart, Trammell, Turner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—54

And the bill, H. 7 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Campbell, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Edwards, Escott, Gafford, Gilmer, Grouby, Hall, Harper (O), Harvey, Holley, Horn, Howard, Jackson, Johnson (Roy), Kelley, Kennedy, Langford, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Riddick, Sasser, Shavers, Smith (C), Starkey, Stewart, Stout, Tucker, Turner, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—63

And the bill:

H. 257. (With Amendment): To amend section 28-4-115 of the Code of Alabama 1975 so as to provide for a fine of not more than \$5,000.00 in addition to the term of imprisonment for transporting alcoholic beverages.

Was taken up.

The question was then on the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

In the title, on line 18, strike the words "in addition to the term of" and insert in lieu thereof: , or

In the title, on line 19, strike the period and insert in lieu thereof: or both

In Section 1, on line 31, strike the word "and" and insert in lieu thereof: and/or

In Section 1, on line 31, strike the word "additionally"

And the amendment was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Carter, Clark (W), Cobb, Cooley, Cosby, Daniels, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harvey, Howard, Johnson (R. G.), Johnson (Roy), Langford, Moore, Naramore, Olive, Owens, Parker, Penry, Rains, Sasser, Smith (C), Smith (J), Stewart, Turner, Venable, Ward, Warren, Williams, Wyatt and Zoghby.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 257. To amend section 28-4-115 of the Code of Alabama 1975 so as to provide for a fine of not more than \$5,000.00, or imprisonment for transporting alcoholic beverages or both.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Carothers, Carter, Clark (W), Cobb, Cooley, Cosby, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grouby, Howard, Johnson (Roy), Kelley, Kennedy, Moore, Naramore, Olive, Owens, Parker, Penry, Rains, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams and Zoghby.

—49

Nays: Reps. Daniels, Langford, Shavers and Wyatt.

—4

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Kelley to suspend the rules in order to take up out of order the bill, H. 547, was lost, lacking a four-fifths vote.

Yeas 50; Nays 19.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Blake, Carothers, Carter, Cates, Clark (G), Coburn, Edwards, Gafford, Gilmer, Greer, Grimsley,

Grouby, Hall, Harper (O), Harvey, Holley, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, McKee, McMillan, Minus, Moore, Olive, Owens, Parker, Patton, Pegues, Reed, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turner, Waggoner, Ward, Warren, Williams, Wyatt and Zoghby.

—50

Nays:

Reps.: Adams (H), Amari, Bennett, Brakefield, Buskey, Cheatwood, Clark (W), Cooley, Crow, Drinkard, Ford, Johnson (Roy), Kennedy, Lewis, Mitchell, Naramore, Rains, Sasser and Trammell.

—19

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Escott and Horn:

H. R. 162. HONORING THE SIXTH AVENUE BAPTIST CHURCH OF BIRMINGHAM, ALABAMA.

BILLS ON THIRD READING RESUMED

And the bill:

H. 8. To authorize peace officers whose arrest powers are otherwise limited to a particular subdivision or subdivisions to make arrests in other subdivisions of this state in hot pursuit situations; to describe the arrest powers of such officers in hot pursuit situations; to define "hot pursuit;" to provide that this act shall not be construed to limit in any way the arrest powers of any peace officer; and to provide an effective date.

Was taken up.

SUBSTITUTE OFFERED

Rep. Bennett offered the following substitute to the bill, H. 8.:

A BILL TO BE ENTITLED AN ACT

To authorize peace officers whose arrest powers are otherwise limited to a particular subdivision or subdivisions to make arrests in other subdivisions of this state in fresh pursuit situations; to describe the arrest powers of such officers in fresh pursuit situations; to define "fresh pursuit;" to provide that this Act shall not be construed to limit in any way the arrest powers of any peace officer; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall be known as the Alabama Fresh Pursuit Act.

Section 2. The authority of any peace officer of this state whose arrest powers are otherwise limited to a political subdivision or subdivisions of this

state, shall extend throughout the county and into any adjacent county when the officer is in fresh pursuit of a person or persons to be arrested for a misdemeanor. Such authority shall extend throughout the state when the officer is in fresh pursuit of a person or persons to be arrested for a felony. Following such pursuit, the arrest powers of the officer in a political subdivision or subdivisions other than his own shall be the same in all respects as the arrest powers the officer has in his own political subdivision.

Section 3. "Fresh pursuit" as used in this Act does not necessarily mean instant pursuit but it does mean pursuit without unreasonable delay.

Section 4. This Act shall not be construed to restrict or limit in any way other statutory or common law arrest powers that any peace officer of this state has when acting as an officer or as a private citizen.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 61; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Blake, Boles, Brakefield, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Ford, Gilmer, Greer, Grouby, Hall, Harper (O), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Lewis, McKee, McMillan, Mitchell, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Waggoner, Ward, Warren, Willis and Wyatt.

—61

Nays: Rep. Rains.

—1

And the bill:

H. 8. To authorize peace officers whose arrest powers are otherwise limited to a particular subdivision or subdivisions to make arrests in other subdivisions of this state in fresh pursuit situations; to describe the arrest powers of such officers in fresh pursuit situations; to define "fresh pursuit"; to provide that this Act shall not be construed to limit in any way the arrest powers of any peace officer; and to provide an effective date.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Carter, Cates, Cheatwood,

Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Drinkard, Ford, Gafford, Gilmer, Greer, Grouby, Hall, Harper (O), Harrison, Harvey, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Lewis, McKee, McMillan, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Penry, Reed, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Willis and Wyatt.

—68

Nays: Reps. Letson and Rains.

—2

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 8:

Reps. Albright, Biddle, Blake, Brakefield, Carter, Cheatwood, Cobb, Cooley, Drinkard, Ford, Gilmer, Hall, Harvey, Holley, Horn, Howard, Lewis, Naramore, Olive, Patton, Payne, Seibels, Shavers, Shoemaker, Smith (C), Smith (J) and Turner.

RESOLUTION

The following resolution was introduced:

By Rep. Minus:

H. R. 163. PERFORMANCE OF THE BALLET AND THEATRE ARTS PERFORMING COMPANIES BEFORE THE HOUSE OF REPRESENTATIVES.

WHEREAS, the Ballet and Theatre Arts Performing Companies were organized in 1979 as an outgrowth of the work of the Ballet and Theatre Arts School, College Avenue, Gilbertown, Alabama; and

WHEREAS, the Ballet and Theatre Arts Performing Companies and their excellent productions and activities have provided a new dimension in the social, cultural, intellectual, and spiritual lives of spectator and participant alike, in the Southwest Alabama area; and

WHEREAS, the performances to date of the Performing Companies have been praised by experts in the fields of the performing arts; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the Ballet and Theatre Arts Performing Companies shall give a performance before the House of Representatives on May 7, 1981, as soon as the Companies shall arrive on that date.

On motion of Rep. Minus the rules were suspended and the resolution, H. R. 163, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 226. This bill relates to legal expense insurance and to Legal Service Insurance Corporations; creating chapter 42 of Title 27, Code of Alabama, 1975, consisting of ss. 27-42-1 through 27-42-23; authorizing organization of legal service insurance corporations, providing for exceptions; providing for public regulation of legal service insurance corporations; providing for deposit or bond; providing policy and certificate form and premium rate

requirements; requiring annual reports and making certain provisions of the insurance laws applicable to legal service insurance corporations; providing for registration of contracting sales agents and the reporting and accounting of funds received; providing grounds and procedure for compulsory and discretionary revocation, suspension or refusal of registration for contract sales agents; providing for administrative fine in lieu of suspension or revocation of registration; providing that the act shall not regulate the practice of law or the authority of the Supreme Court of Alabama or State Bar of Alabama; providing an effective date.

Was taken up.

AMENDMENT OFFERED

Rep. Barton offered the following amendment to the bill, H. 226:

On Page 12, line 20, a new Section 27-42-21 shall be inserted as follows: "All monies received from licenses and fees shall be deposited to the credit of the Examiners' Revolving Fund of the Department of Insurance" and the present Section 27-42-21 and the following Sections be renumbered accordingly.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Blake, Cates, Cheatwood, Clark (W), Cooley, Cosby, Drinkard, Edwards, Ford, Greer, Grouby, Hall, Harvey, Kelley, Letson, Mitchell, Naramore, Olive, Pegues, Ray, Riddick, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Turner, Venable, Warren and Williams.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 226 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Blake, Carter, Cates, Cheatwood, Cooley, Cosby, Drinkard, Edwards, Gilmer, Greer, Gregg, Grouby, Hall, Johnson (R. G.), Kelley, Letson, Mitchell, Naramore, Olive, Pegues, Ray, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Ward, Warren, Williams and Zoghby.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Rep. Smith (C) to suspend the rules in order to take up out of order the bill, H. 498, was lost.

And the bill:

H. 284. Relating to the state ethics law for public officers and employees (Title 36, Chapter 25, as amended, Code of Alabama 1975); to amend sections 36-25-1, 35-25-4, 36-25-14 and 36-25-30, Code of Alabama 1975 as amended, which sections relate to definitions, powers and duties of the state ethics commission, the filing of statements of economic interests, and to the construction of said Chapter 25, Title 36, Code of Alabama 1975, as amended, so as to include within the definition of "Public Official" certain persons, firms or corporations which have contracts with the state, or any agency thereof, which contracts provide for personal or professional services; to require the filing of financial statements by such persons, firms or corporations; to prohibit the state ethics commission from issuing any opinion, ruling or regulation limiting or otherwise affecting campaign or political contributions to candidates for public office or to incumbent public office holders, except to require the reporting of any such contributions in a statement or report to be filed with the commission; and to provide that if any single provision of Chapter 25, Title 36, Code of Alabama 1975, as amended or superseded, is held unconstitutional or invalid by a court having jurisdiction then the entire provisions of said Chapter 25 shall be deemed invalid or unconstitutional and shall, in that event, have no further force or effect of law.

Was taken up.

AMENDMENT OFFERED

Rep. Kelley offered the following amendment to the bill, H. 284:

Amend H. 284 on page 4, lines 27, 28 and 29 by deleting the following:
and newspaper firms or associations, and their agents and officials,
which provide publications of legal notices which are paid by the state.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 47; Nays 1.

Yeas:

Reps. Adams (C), Albright, Biddle, Bowling, Cabaniss, Carothers, Carter, Cates, Clark (W), Cooley, Cosby, Drinkard, Edwards, Ford, Gafford, Greer, Grimsley, Hall, Harvey, Johnson (R. G.), Kelley, Langford, Lewis, McMillan, Minus, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Sasser, Shavers, Smith (C), Smith (J), Smith (M), Stout, Trammell, Turner, Ward, Warren, Williams and Zoghby.

Nay: Rep. Wyatt.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

NOTICE IN WRITING

Rep. Gregg filed the following Notice in Writing:

Notice in writing to delete House Rule 27b.

As provided by House Rule 6, I hereby give one day notice in writing that on an ensuing day, I will introduce a rule change deleting House Rule 27b.

H. 284 RESUMED

Rep. Gafford offered the motion to postpone further consideration of the bill, H. 284 as amended, to the thirteenth legislative day.

H. 284 INDEFINITELY POSTPONED

On substitute motion offered by Rep. Howard the bill, H. 284 as amended, was indefinitely postponed.

Yeas 36; Nays 32.

Yeas:

Reps. Adams (C), Adams (H), Albright, Bedsole, Buskey, Cheatwood, Clark (W), Cobb, Crow, Dixon, Escott, Gafford, Greer, Grouby, Hall, Harrison, Horn, Howard, Jackson, Kelley, Kennedy, Langford, McMillan, Parker, Pegues, Penry, Rains, Riddick, Starkey, Tucker, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

—36

Nays:

Mr. Speaker, Barton, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Cosby, Drinkard, Edwards, Ford, Gilmer, Gregg, Grimsley, Harvey, Letson, Minus, Mitchell, Patton, Payne, Sasser, Shoemaker, Smith (J), Smith (M), Turner, Waggoner and Williams.

—32

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 69. MEMORIALIZING THE UNITED STATES CONGRESS TO CONSENT TO ALABAMA AND THE VARIOUS STATES ENTERING INTO REGIONAL COMPACTS OR AGREEMENTS TO RESOLVE PROBLEMS RELATED TO LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.

Also:

H. J. R. 70. URGING GOVERNOR FOB JAMES TO ENTER INTO A CONFERENCE WITH OTHER GOVERNORS AND THE FEDERAL GOVERNMENT FOR ALABAMA PARTICIPATION IN THE DEVELOPMENT AND ESTABLISHMENT OF A REGIONAL COMPACT FOR LOW-LEVEL RADIO-ACTIVE WASTE DISPOSAL.

Also:

H. J. R. 151. COMMENDING THE PINSON VALLEY WRESTLING TEAM FOR WINNING ITS SECOND STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.

Also:

H. J. R. 152. HONORING MARISA GARDNER OF CHICKASAW, ALABAMA, FOR HER CONTRIBUTION TO ENVIRONMENTAL EDUCATION.

Also:

H. J. R. 153. HONORING JUDGE JAMES HUGHSTON SHARBUTT UPON HIS RETIREMENT FROM THE ALABAMA JUDICIARY.

Also:

H. J. R. 154. MOURNING THE DEATH OF VIRGINIA LEE STALLWORTH SHARBUTT.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 576. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Cleburne County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Cleburne County; and prescribing the procedure for the collection of such assessments.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 154. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Denton, Pearson, and Cook.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Pegues, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 154.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Barton, Bennett, Biddle, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cosby, Drinkard, Edwards, Ford, Gafford, Harvey, Howard, Johnson (R. G.), McKee, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Stout, Turner and Venable.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the Speaker named as a Committee on Conference on the part of the House, Reps. Pegues, Sasser and Shoemaker.

MOTION TO ADJOURN LOST

The motion offered by Rep. Owens that the House adjourn until 1:00 o'clock p. m., Tuesday, March 24, 1981, was lost.

Yeas 18; Nays 34.

Yeas:

Mr. Speaker, Brakefield, Carothers, Cheatwood, Clark (G), Cobb, Coburn, Edwards, Grimsley, Moore, Nevett, Olive, Owens, Reed, Trammell, Tucker, Williams and Wyatt.

—18

Nays:

Reps. Adams (C), Albright, Barton, Bennett, Blake, Carter, Cates, Cosby, Drinkard, Grouby, Hall, Harvey, Howard, Johnson (R. G.), Kelley, Kennedy, McKee, Minus, Mitchell, Naramore, Parker, Pegues, Rains, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Venable and Whatley.

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS ON THIRD READING RESUMED

And the bill:

H. 47. (With Substitute): Relating further to health and accident insurance policies issued within this state; to provide further for the consideration of claims by the company issuing said policies; to provide that the insurance company shall pay interest on the unpaid amount of any such claims after a certain period of time from receipt of proof of loss; to provide for other penalties; and to provide reasonable attorneys' fees when an insured is forced to resort to legal action or bear the expenses of an appeal in order to recover under the policy.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating further to health and accident insurance policies issued within this state; to provide further for the consideration of claims by the company issuing said policies and to provide that the insurance company shall pay interest on the unpaid amount of any such claims after a certain period of time from receipt of proof of loss.

Be It Enacted by the Legislature of Alabama:

Section 1. All persons, firms corporations, or associations issuing health and accident insurance policies within this state shall consider claims made thereunder and if found to be valid and proper, to pay such claims within forty-five (45) days after the receipt of proof of loss under such policies. Benefits due under the policies and claims are to be considered overdue if not paid within forty-five (45) days after the insurer receives reasonable proof of the fact and amount of loss sustained. If reasonable proof is not supplied as to the entire claim, the amount supported by reasonable proof shall be considered overdue if not paid within forty-five (45) days after such proof is received by the insurer. Any part or all of the remainder of the claim that is later supported by reasonable proof shall be considered overdue if not paid within forty-five (45) days after such proof is received by the insurer. For the purposes of calculating the extent to which any benefits are overdue, payment shall be treated as made on the date a draft or other valid instrument was placed in the United States mail to the last known address of the claimant or beneficiary in a properly addressed, postpaid envelope, or if not so posted, on the date of delivery. If the claim is not denied for valid and proper reasons by the end of said forty-five (45) day period, the insurer must pay the insured one and one-half percent per month on the amount of said claim until it is finally settled or adjudicated.

In the event that the insurer fails to pay such benefits when due, the person entitled to such benefits may bring an action to recover them.

Section 2. All laws or parts of laws which conflict with the Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 31; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Biddle, Blake, Brakefield, Carothers, Cates, Cheatwood, Gafford, Gilmer, Grimsley, Grouby, Hall, Johnson (R. G.), McKee, Moore, Naramore, Nevett, Olive, Rains, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Turner, Venable, Williams and Wyatt.

—31

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 47. Relating further to health and accident insurance policies issued within this state; to provide further for the consideration of claims by the company issuing said policies and to provide that the insurance company shall pay interest on the unpaid amount of any such claims after a certain period of time from receipt of proof of loss.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bennett, Biddle, Blake, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Harper (O), Harvey, Howard, Johnson (R. G.), Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Rains, Reed, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Waggoner, Ward, Williams and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

CO-SPONSOR ADDED

Rep. Venable was added as co-sponsor to the bill, H. 47.

And the bill:

H. 4. To require persons, firms and corporations dealing in antique, second-hand, used and scrap jewelry and precious metals to retain said items for seventy-two hours, to register with the sheriff and chief of police, and to maintain certain records pertaining thereto; and to make violations thereof Class B misdemeanors.

Was taken up.

SUBSTITUTE OFFERED

Rep. Drinkard offered the following substitute to the bill, H. 4:

A BILL
TO BE ENTITLED
AN ACT

To provide for the registration, licensing and regulation of buyers of gold and silver.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this Act, the following terms shall have the meanings respectively ascribed to them in this section, unless the context clearly requires a different meaning:

(a) Gold or Silver Objects: Any object which contains any amount of gold or silver.

(b) Permittee: The person to whom a permit is issued pursuant to the provisions of this Act and any agent, officer or employee of such person who is engaged in the business for which the permit was issued.

(c) City Council: The city council or other like governing body of any city or municipality in which the business is located.

(d) Wholesaler: A person who sells to retailers for resell rather than directly to consumers.

(e) Retail Merchant: One who sells directly to the consumer.

(f) Consumer: A person who uses economic goods and so diminishes or destroys their utilities.

(g) Manufacturer: A person who by labor, art, or skill transforms raw material into some kind of finished product or article of trade.

(h) County Commission: The county commission of the county in which the business is located.

(i) Chief Law Enforcement Officer: The chief of police if the business is located within a city or municipality or the sheriff of the county in which said business is located, if it is located outside the corporate limits of a city or municipality.

Section 2. No person shall engage in the business of buying gold or silver or gold or silver objects without having first obtained a permit therefor from the city council if the business is located within the corporate limits of a city or municipality or from the county commission of the county in which said business is located, if it is located outside a city or municipality.

Section 3. (a) Application for a permit required herein shall be made to the chief law enforcement officer and shall be signed by the applicant himself, if an individual; by all partners, if a partnership; and by the chief executive officer, if a corporation, or, if a foreign corporation, the managing officer of such corporation for the State of Alabama. Application forms shall be furnished by the chief law enforcement officer and such application shall be sworn to by each of its signers before a notary public or other officer authorized by law to administer oaths and shall include the following information:

(1) Name, residence address and telephone number of each individual owner, partner, or, if a domestic corporation, the names of the directors and chief executive officer of such corporation, or, if a foreign corporation, the name of the managing officer of such corporation for the State of Alabama and the date on which such foreign corporation became legally qualified to do business in the State of Alabama.

(2) Trade names used by the applicant during the previous three years and by each person signing the application, along with the locations of prior establishments.

(3) The names and addresses of employers of each person signing the application during the previous three years.

(4) The trade name and address of the business on behalf of which application is made and its telephone number, if assigned.

(5) The address of the place where the business is to be carried on.

(6) The name, residence address and telephone number of each person employed or intended to be employed in the business as of the time the application is filed.

(7) What type of security, if any, the applicant proposes to employ to safeguard its purchases and the premises upon which it will conduct business.

(8) The type of evidence of ownership that the applicant will require of a seller of gold, silver or gold or silver objects before completing the purchase.

(9) A copy of the form of bill of sale or other evidence of transfer of title of gold, silver, or gold or silver objects from the seller to the applicant which the applicant proposes to use in its business.

(b) Each application for a permit hereunder shall be accompanied by an application fee of \$100.00, except that any person applying for a permit who has been continuously engaged in business as a gold or silver dealer or a wholesale or retail merchandise dealer for a period of two years prior to the date of the effective date of this Act under an appropriate business license issued by any city or county shall be exempt from the requirements of this subsection (b).

Section 4. (a) The chief law enforcement officer shall investigate all applications for permits and shall file a written report of his findings, together with the application, with the city clerk or other like county official within thirty days from the date of receipt of such application. The chief law enforcement officer shall state, in the report, his recommendations on the issuance or denial of the permit.

(b) Upon receipt of the application and the report of the chief law enforcement officer, the city clerk or other like county official shall submit such application and report to the city council or county commission. The city council or county commission shall set a public hearing on such application before the city council or county commission at a regular or special meeting to be held within twenty-one days after submission of the application to the city council or county commission by the city clerk or other like county official, respectively. The city clerk or other like county official shall notify the applicant of the time and place of such public hearing. Such notice shall be in writing and shall state that the applicant, at such public hearing, may appear in person and/or by his attorney and that he may present his position, argument or contentions orally and/or in writing and that he may present evidence in his behalf and examine witnesses appearing for or against him.

(c) At such public hearing, the city council or county commission shall hear any person who desires to be heard and shall receive all evidence offered by any person on any issue relevant to the issuance or denial of the permit applied for.

(d) The city council or county commission shall consider all relevant evidence and testimony presented to it at such public hearing and shall, at the conclusion of such hearing, issue or deny the permit.

(e) The city council or county commission may deny the permit if the applicant or any officer, agent or employee of the applicant has:

(1) Violated or failed to comply with any provision of this Act.

(2) Knowingly and willfully given any false information of a material nature in connection with the application for a permit or in connection with the public hearing on the issuance or denial of such permit.

(3) Has been convicted of any federal or state law or municipal ordinance which reasonably relates to the applicant's character, fitness and business responsibility for engaging in the business of buying gold or silver or gold or silver objects in a manner consistent with the public safety. The city council or county commission shall, in regard to any such convictions, consider the nature and seriousness of the offense; the circumstances surrounding the offense; the number of such offenses; the amount of time that has elapsed since the offense; the age of the applicant at the time of the offense; and any evidence of rehabilitation.

Section 5. The permit issued to the applicant shall be valid only at the address shown thereon. Any person engaged in the business of buying gold or silver or gold or silver objects who operates more than one such business must have a separate permit for each such place of business.

Section 6. It shall be the duty of each person engaged in the business of buying gold or silver or gold or silver objects, to keep at his place of business a permanently bound book, with the pages therein numbered by the manufacturer, in which he shall enter, or cause to be entered, in ink, a minute description of all gold or silver or gold or silver objects bought at his place of business, and the time when such property was received, making particular mention of any prominent marks on same, together with the name, sex, color, apparent age and general description and place of residence of the person from whom such property was bought, and wherever such items bear a number or the name of a manufacturer or other descriptive mark, the description hereinabove provided for shall include such number, name of manufacturer and other descriptive marks. Each permittee shall make the entries,

or cause the entries to be made, in the book, as herein provided, at the time any such property is received. Such permittee shall make the entries herein by making the first entry at the top of the first page of the book. Subsequent entries in the book shall be made in the order in which the property to which the respective entries pertain was received. It shall be unlawful for any such permittee to remove, or permit to be removed, any page or part of page from such book or to erase or obliterate, or permit to be erased or obliterated, any entry made upon any page thereof.

Section 7. Each permittee, during the ordinary hours of business, when requested by the mayor, the chairman of the county commission, the chief law enforcement officer or any law enforcement officers of the city or county, shall submit and exhibit such book as is provided for in Section 6 to the inspection of the person requesting it, and upon demand shall exhibit any gold or silver or gold or silver objects which may be in the place of business of such permittee or which may have been bought or received by such permittee and which may be kept by him at any place.

Section 8. It shall be the duty of every permittee to furnish to the chief law enforcement officer, at his office on each day upon forms provided for that purpose, a complete description of all gold or silver, or gold or silver objects bought or received during the preceding day together with the name, sex, color, apparent age and general description and place of residence of the person selling or exchanging any such property, showing the hour such property was received, or purchased.

Section 9. It shall be unlawful for any permittee to sell, exchange, alter, destroy or melt any gold or silver or gold or silver objects received, bought, or exchanged by him for a period of five days after the delivery of the report required by Section 8.

Section 10. It shall be unlawful for any permittee to buy or receive any gold or silver, or gold or silver objects from any person under the age of nineteen years.

Section 11. (a) The city council or county commission may revoke any permit issued pursuant to the provisions of this Act for any of the reasons set forth in Section 4 of this Act pertaining to denial of permits.

(b) The city council or county commission shall set a time for a public hearing on the matter of the revocation of any permit issued pursuant to this Act and notice of the date and time of such hearing will be given to the permittee in writing by the city clerk or like county official not less than seven days prior to such hearing. Such notice shall state the reason for the hearing and shall advise the permittee that he may appear in person and/or by attorney and that he may present his position, arguments and contentions in writing and/or orally and that he may present evidence in his behalf and examine witnesses appearing for and against him. The city council or county commission shall receive any relevant evidence and hear any relevant testimony on the matter of revocation prior to making its decision on such matter. The revocation by the city council or county commission of a permit issued pursuant to this Act shall also act as a revocation of the business license of the permittee which was issued by authority of such permit.

Section 12. Each permittee shall pay to the director of finance or like city or county official a license tax for the privilege of engaging in the business of buying gold or silver or gold or silver objects in the amount specified in the then current license code of the city or county and shall each

year thereafter pay to the director of finance or like city or county official such amount as is specified for such business in the then current license code so long as such permittee's license is in effect. The permit issued to the permittee shall authorize the director of finance or like city or county official to issue such license, except that any permittee who is engaged in business as a retail or wholesale merchandise dealer on the date of the issuance of the permit under license issued by the city or county may continue to do business under such license and all business done by such dealer under the permit issued pursuant to this Act shall be considered as part of the retail or wholesale merchandise business of such permittee for the purpose of calculating the amount of license due.

Section 13. No permit or license issued under this Act shall be transferred, assigned or used by any person other than the one to whom it was issued.

Section 14. (a) Bona fide retail or wholesale merchants of jewelry, gold or silver, or gold or silver objects, who are engaged in such business in any city or its police jurisdiction, or county, in a fixed place of business under a license or licenses issued by the city or county pursuant to the general business license code of the city or county and whose primary business is, respectively, the retail sale of gold or silver or gold or silver objects or jewelry to consumers or the wholesale sale of gold or silver or gold or silver objects or jewelry to retail merchants for resell to consumers, shall be exempt from the provisions of this Act in regard to purchases of gold or silver objects from persons known by such retail or wholesale merchants to be bona fide manufacturers or wholesalers of gold or silver or gold or silver objects.

(b) The provisions of this Act shall not apply to any bank organized under the laws of the State of Alabama or the United States of America.

Section 15. The provisions of the Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 17. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Cooley, Cosby, Edwards, Escott, Ford, Gilmer, Grimsley, Hall, Harper (O), Johnson (R. G.), McKee, Mithcell, Naramore, Nevett, Olive, Smith (C), Smith (J), Smith (M), Trammell, Turner, Venable, Waggoner, Ward, Williams, Willis and Wyatt.

—38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 4. To provide for the registration, licensing and regulation of buyers of gold and silver.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Johnson (R. G.), Kennedy, McKee, McMillan, Mitchell, Moore, Naramore, Nevett, Owens, Parker, Penry, Rains, Reed, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turner, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—58

Nays: Reps. Harvey and Stout.

—2

CO-SPONSORS ADDED

Reps. Biddle, Smith (M), Bennett, Venable, Crow, Bedsole and Rains were added as co-sponsors to the bill, H. 4.

BILLS ON THIRD READING RESUMED

And the bill:

H. 134. To make it unlawful for any person, firm, partnership or corporation to have an unauthorized flashing or rotating blue light operating within a certain distance of the right-of-way of any public street, road or highway and to prescribe penalty for violation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Dixon, Edwards, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harvey, Johnson (R. G.), Kennedy, Lewis, McKee, McMillan, Moore, Naramore, Olive, Owens, Parker, Penry, Rains, Reed, Shoemaker, Smith (C), Smith (J), Smith (M), Trammell, Turner, Venable, Ward, Williams, Willis and Wyatt.

—54

CO-SPONSORS ADDED

Reps. Turner, Amari and Rains were added as co-sponsors to the bill, H. 134.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 77. CREATING A JOINT LEGISLATIVE COMMITTEE TO INVESTIGATE THE POTENTIAL EFFECT ON THE COST OF HOSPITALIZATION AND THE PROVISION OF HEALTH CARE IN ALABAMA IF A FOREIGN CORPORATION PURCHASES A CONTROLLING INTEREST IN A CORPORATION OWNING OR OPERATING HOSPITALS IN ALABAMA.

Also:

S. J. R. 86. COMMENDING U. A. B. BASKETBALL TEAM.

Also:

S. J. R. 87. COMMENDING MISS TERRI DeVANE FOR BEING CHOSEN 1981 ALABAMA TEXTILE QUEEN.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

And the bill:

H. 135. To amend Section 34-27-7, Code of Alabama 1975, which relates to the Real Estate Commission, so as to increase the membership of said commission.

Was taken up.

MOTION TO INDEFINITELY POSTPONE

Rep. McMillan offered the motion to indefinitely postpone the bill, H. 135.

SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Stewart to postpone the bill, H. 135, to the fifteenth legislative day, was lost.

Yeas 19; Nays 44.

Yeas:

Reps. Buskey, Clark (W), Cosby, Daniels, Edwards, Harrison, Holmes, Johnson (Roy), Kennedy, McMillan, Parker, Penry, Rains, Riddick, Starkey, Stewart, Warren, Whatley and Wyatt.

Nays:

Mr. Speaker, Adams (C), Amari, Bennett, Biddle, Bowling, Brakefield, Carothers, Carter, Cates, Clark (G), Coburn, Cooley, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Harvey, Holley, Jackson, Johnson (R. G.), Kelley, Laird, Lewis, McKee, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Seibels, Shoemaker, Smith (C), Smith (J), Turner, Ward, Williams and Willis.

—44

MOTION TO INDEFINITELY POSTPONE LOST

The question was then on the motion offered by Rep. McMillan to indefinitely postpone the bill, H. 135, and the motion to postpone was lost.

Yeas 13; Nays 55.

Yeas:

Reps. Buskey, Clark (W), Daniels, Holmes, Kennedy, McMillan, Penry, Rains, Riddick, Starkey, Stewart, Warren and Whatley.

—13

Nays:

Mr. Speaker, Adams (C), Albright, Amari, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harrison, Harvey, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Lewis, McKee, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Seibels, Shoemaker, Smith (C), Smith (J), Turner, Ward, Williams and Willis.

—55

And the bill, H. 135, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 14.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Crow, Drinkard, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Lewis, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Seibels, Shoemaker, Smith (C), Smith (J), Turner, Venable, Ward, Williams, Willis and Wyatt.

—55

Nays:

Reps. Buskey, Clark (W), Cosby, Harrison, Holmes, Kennedy, McMillan, Parker, Penry, Riddick, Sasser, Stewart, Warren and Whatley.

—14

And the bill:

H. 25. To authorize certain governmental agencies to donate things of value to any voluntary fire department or rescue squad.

Was taken up.

SUBSTITUTE OFFERED

Rep. Turner offered the following substitute to the bill, H. 25:

A BILL
TO BE ENTITLED
AN ACT

To authorize certain governmental agencies to donate things of value to any voluntary organized fire department or organized rescue squad.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intent of the Legislature that this Act provides assistance to organized volunteer fire departments and organized rescue squads. The Legislature deems these organizations public in nature, as they protect the health, safety and welfare of the public.

Section 2. The state, any county, and municipality, any fire, water, sewer, garbage or school district, or any other public governmental entity or political subdivision is hereby authorized to donate money, property, equipment or other thing of value to any organized voluntary fire department or organized voluntary rescue squad. if disposed of it will return to the agency where it was obtained.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Drinkard, Edwards, Ford, Grimsley, Grouby, Hall, Harrison, Harvey, Howard, Kennedy, McKee, Naramore, Nevett, Olive, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Trammel, Turner, Ward, Willis and Wyatt.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 25. To authorize certain governmental agencies to donate things of value to any voluntary organized fire department or organized rescue squad.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, McKee, McMillan, Minus, Mitchell, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—71

Nay: Rep. Harrison.

—1

CO-SPONSOR ADDED

Rep. Smith (J) was added as co-sponsor to the bill, H. 25.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolutions, to-wit:

H. 576. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Cleburne County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Cleburne County; and prescribing the procedure for the collection of such assessments.

Also:

H. J. R. 69. MEMORIALIZING THE UNITED STATES CONGRESS TO CONSENT TO ALABAMA AND THE VARIOUS STATES ENTERING INTO REGIONAL COMPACTS OR AGREEMENTS TO RESOLVE PROBLEMS RELATED TO LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.

Also:

H. J. R. 70. URGING GOVERNOR FOB JAMES TO ENTER INTO A CONFERENCE WITH OTHER GOVERNORS AND THE FEDERAL GOVERNMENT FOR ALABAMA PARTICIPATION IN THE DEVELOPMENT AND ESTABLISHMENT OF A REGIONAL COMPACT FOR LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.

Also:

H. J. R. 151. COMMENDING THE PINSON VALLEY WRESTLING TEAM FOR WINNING ITS SECOND STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.

Also:

H. J. R. 152. HONORING MARISA GARDNER OF CHICKASAW, ALABAMA, FOR HER CONTRIBUTION TO ENVIRONMENTAL EDUCATION.

Also:

H. J. R. 153. HONORING JUDGE JAMES HUGHSTON SHARBUTT UPON HIS RETIREMENT FROM THE ALABAMA JUDICIARY.

Also:

H. J. R. 154. MOURNING THE DEATH OF VIRGINIA LEE STALLWORTH SHARBUTT.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 40. (With Substitute): To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of hotel owners, so as to provide that the hotel owners be required to install a smoke detector in each hotel room.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of a hotel owner, to require hotel owners to install and maintain smoke detectors in their rooms, to further provide for criminal penalties for removing said smoke detectors.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 34-15-4, Code of Alabama 1975, is hereby amended to read as follows:

"§ 34-15-4.

"(a) Every owner, manager or operator of a hotel shall maintain the physical and sanitary condition of the structure, its equipment, water supply and human waste disposal and shall conduct the operations thereof in such manner as to render services and accommodations to travelers in compliance with rules and regulations governing hotels and hotel operation adopted by the state board of health.

"(b) Every owner, manager, or operator of a hotel shall install and maintain in operating condition a battery or electrically operated smoke detector device in each hotel guest sleeping room. The detectors shall have received an approval from a nationally recognized testing organization.

"(c) Hotel owners or operators shall be required to test each smoke detector device at least once each quarter of each calendar year to determine if each detector is in working order.

"(d) Any person who is convicted, in a court of proper jurisdiction, of tampering with or removing a smoke detector from a hotel room shall be guilty of a Class C misdemeanor as defined by Title 13A of the Code of Alabama 1975."

Section 2. The provisions of this Act will become effective 90 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Bennett, Blake, Buskey, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Harvey, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Lewis, McKee, McMillan, Minus, Nevett, Olive, Payne, Penry, Rains, Ray, Riddick, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Waggoner, Ward, Whatley, Williams and Willis.

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MOTION TO POSTPONE

Rep. Starkey offered the motion to postpone further consideration of the bill, H. 40 as amended, to the fifteenth legislative day.

MOTION TO TABLE LOST

The motion offered by Rep. Smith (J), to table the motion to postpone the bill, H. 40 as amended, was lost.

Yeas 22; Nays 24.

Yeas:

Reps. Amari, Biddle, Blake, Buskey, Clark (W), Cobb, Drinkard, Gilmer, Greer, Lewis, McKee, McMillan, Payne, Rains, Riddick, Smith (C), Smith (J), Smith (M), Stout, Ward, Willis and Wyatt.

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Nays:

Reps. Albright, Bedsole, Brakefield, Carter, Cheatwood, Coburn, Cosby, Crow, Grouby, Hall, Harvey, Johnson (R. G.), Johnson (Roy), Laird, Minus, Mitchell, Naramore, Olive, Patton, Pegues, Sasser, Seibels, Shoemaker and Williams.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Sandusky, Zoghby, Parker, Turner, Clark (W), Buskey, Kennedy, Bedsole, Penry, McMillan and Stewart:

H. R. 164. SALUTING MOBILE'S AZALEA TRAIL FESTIVAL.

MOTION TO ADJOURN LOST

The motion offered by Rep. Cobb that the House adjourn until 1:00 o'clock p. m., Tuesday, March 24, 1981, was lost.

Yeas 21; Nays 50.

Yeas:

Reps. Albright, Brakefield, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Ford, Grouby, Hall, Harper (O), Johnson (Roy), Kelley, Parker, Smith (J), Smith (M), Trammell, Warren, Whatley and Williams.

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Nays:

Reps. Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Carothers, Cates, Cooley, Cosby, Escott, Gafford, Gilmer, Greer, Harvey, Horn, Howard, Jackson, Johnson (R. G.), Laird, Letson, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Patton, Payne, Pegues, Penry, Rains, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Willis, Wyatt and Zoghby.

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H. 40 RESUMED

The question was then on the motion offered by Rep. Starkey to postpone further consideration of the bill, H. 40 as amended, to the fifteenth legislative day.

SUBSTITUTE MOTION OFFERED

Rep. Smith (J) offered the substitute motion to postpone temporarily further consideration of the bill, H. 40 as amended.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION LOST

The substitute motion offered by Rep. Pegues to indefinitely postpone the bill, H. 40 as amended, to the substitute motion offered by Rep. Smith (J), was lost.

Yeas 12; Nays 55.

Yeas:

Reps. Brakefield, Carter, Cosby, Johnson (R. G.), Laird, Naramore, Olive, Patton, Pegues, Rains, Starkey and Turner.

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Nays:

Reps. Adams (C), Albright, Amari, Bedsole, Bennett, Biddle, Buskey, Cabaniss, Carothers, Cates, Clark (G), Clark (W), Cobb, Coburn, Crow, Dixon, Drinkard, Escott, Ford, Gafford, Greer, Gregg, Grouby, Hall, Harper (O), Harrison, Harvey, Holley, Holmes, Howard, Jackson, Johnson (Roy), Kelley, Langford, Lewis, McKee, McMillan, Minus, Moore, Payne, Riddick, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Tucker, Waggoner, Ward, Warren, Willis and Wyatt.

—55

SUBSTITUTE MOTION ADOPTED

The question was then on the substitute motion offered by Rep. Smith (J) to temporarily postpone further consideration of the bill, H. 40 as amended, and the substitute motion was adopted.

Yeas 67; Nays 4.

Yeas:

Reps. Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Crow, Dixon, Drinkard, Edwards, Escott, Gafford, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harrison, Harvey, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Lewis, McKee, McMillan, Minus, Moore, Naramore, Olive, Parker, Payne, Pegues, Rains, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

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Nays: Reps. Cosby, Howard, Patton and Turner.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the Bill:

S. 154. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or

improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE
SENATE BILL 154

We the Committee of Conference appointed to reconcile the differences between the two houses concerning the bill, Senate Bill 154, have met and report as follows:

Said Conference Committee has reached an agreement and accepts the House Substitute for Senate Bill 154.

Submitted Respectfully,
Senator Bobby Denton, Chairman,
Senator Doug Cook,
Senator J. Richmond Pearson,
Representative Leigh Pegues,
Representative James Sasser,
Representative Wallace Shoemaker.

March 18, 1981

And said Bill, S. B. 154, together with the Report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Pegues, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 154, said Report being set out in the above and foregoing Message from the Senate.

Yeas 63; Nays 0.

Yeas:

Reps. Adams (C), Adams (H), Albright, Bedsole, Biddle, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Drinkard, Edwards, Escott, Ford, Gafford, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harvey, Howard, Jackson, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Minus, Moore, Naramore, Olive, Parker, Patton, Payne, Penry, Rains, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Venable, Ward, Warren, Willis, Wyatt and Zoghby.

And the bill:

S. 154. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 67; Nays 0.

Yeas:

Reps. Adams (H), Albright, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Daniels, Drinkard, Edwards, Escott, Ford, Gafford, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harvey, Holmes, Howard, Jackson, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

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RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Venable:

H. R. 165. HONORING MR. JACK THOMPSON FOR SERVICE TO ELMORE COUNTY AS COUNTY AGENT/COORDINATOR.

Also:

The following resolutions were introduced:

By Rep. Venable:

H. J. R. 166. HONORING MR. JACK THOMPSON FOR SERVICE TO ELMORE COUNTY AS COUNTY AGENT/COORDINATOR.

WHEREAS, Mr. Jack Thompson has served as the County Agent/Coordinator for Elmore County since January 15, 1973, and

WHEREAS, during that time Mr. Thompson has served that residents of the county with distinction, adding greatly to the agricultural economy of Elmore County, and

WHEREAS, Mr. Thompson has also contributed his time and efforts toward the civic and business progress of Elmore County, and

WHEREAS, Mr. Tompson has been appointed County Agent/Coordinator for Limestone County and is returning to the section of the county where he grew up having been born in Leighton and was graduated from Colbert High School.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we do congratulate Mr. Thompson on the fine job he has done in Elmore County and wish him and his wife, the former Ruth Hester, and their four children every success in the years ahead.

On motion of Rep. Venable, the rules were suspended and the resolution, H. J. R. 166, was adopted.

Also:

By Rep. Holmes:

H. J. R. 167. MEMORIALIZING THE ALABAMA CONGRESSIONAL DELEGATION TO SUPPORT PRESIDENT REAGAN'S POSITION WITH REGARD TO THE CURRENT CRISIS IN EL SALVADOR.

WHEREAS, the United States-supported Junta which governs El Salvador is under attack by extremist forces who oppose the government's land-redistribution and nationalization programs; and

WHEREAS, violence and guerrilla warfare have taken their toll in the loss of some 16,000 lives during the past year and one-half, and our own American Embassy in San Salvador has twice been fired upon by attackers wielding automatic rifles; and

WHEREAS, in support of President Duarte of El Salvador, President Reagan has requested of Congress an additional five million dollars in military aid for El Salvador and plans to send military advisors to train government troops in this Central American nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in full agreement with President Reagan's efforts to suppress guerrilla warfare and halt the spread of communism in the Western Hemisphere, we hereby memorialize our Alabama Congressional Delegation to support the President's position with regard to political violence in El Salvador.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to send a copy of this resolution to each member of our Congressional Delegation in Washington, D. C.

MOTION TO SUSPEND RULES

Rep. Holmes offered the motion to suspend the rules and adopt the resolution, H. J. R. 167.

DIVISION OF THE QUESTION

Rep. Harrison called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Rep. Holmes to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 167, and the motion was adopted.

RESOLUTION ADOPTED

On motion of Rep. Holmes, the resolution, H. J. R. 167, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Horn and Escott:

H. R. 168. HONORING DR. JOHN PORTER, PASTOR OF BIRMINGHAM'S HISTORIC CENTURY-OLD SIXTH AVENUE BAPTIST CHURCH.

Also:

The following resolution was introduced:

By Reps. Bennett, Boles, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

H. J. R. 169. HONORING STATE REPRESENTATIVE WAYNE COBB.

WHEREAS, State Representative Wayne Cobb of Hamilton was named president of Northwest Alabama State Technical College effective January 1; and

WHEREAS, Representative Cobb has served with distinction in the House as a member of Committees on Banking, Natural Resources, and Local Legislation Number One; and

WHEREAS, Representative Cobb holds a Bachelor of Science degree from the University of North Alabama and a Master of Arts from the University of Alabama; and

WHEREAS, from 1956 to 1959, he served as a business and economics teacher in the Marion County Public Schools during which time he also served as an assistant principal; and

WHEREAS, from 1959 to 1962, Representative Cobb was principal of Hackleburg High School, principal of Clayton High School from 1961 to 1962 and, from 1964 to 1965, served as vocational coordinator for the Marion County School System; and

WHEREAS, he was appointed Dean of Instruction at Northwest Alabama State Technical College in 1965, which position he held until his appointment as the institution's president; and

WHEREAS, Representative Cobb has been awarded the Certificate of Appreciation by the Commission on Occupational Education Institutions of the Southern Association of Colleges and Schools in recognition of outstanding service as an evaluator of institute programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend sincerest congratulations to Representative Wayne Cobb on his appointment as president of Northwest Alabama State Technical College, and direct that he receive a copy of this resolution sent with all good wishes for continuing future success.

On motion of Rep. Bennett, the rules were suspended and the resolution, H. J. R. 169, was adopted.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bill hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:55 A. M. on March 19, 1981.

H. J. R. 134.

H. J. R. 135.

H. J. R. 136.

H. J. R. 137.

Delivered to the Governor at 2:05 P. M. on March 19, 1981.

H. 576.

H. J. R. 69.

H. J. R. 70.

H. J. R. 151.

H. J. R. 152.

H. J. R. 153.

H. J. R. 154.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Clark (G), and pursuant to the resolution, H. R. 158, heretofore adopted the House adjourned until 1:00 o'clock p. m., Tuesday, March 24, 1981.

THIRTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 24, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Mr. Henry L. Smith, Pastor First Presbyterian Church of Prattville, Prattville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the twelfth legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the twelfth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the twelfth legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 166. HONORING MR. JACK THOMPSON FOR SERVICE TO ELMORE COUNTY AS COUNTY AGENT/COORDINATOR.

Also:

H. J. R. 169. HONORING STATE REPRESENTATIVE WAYNE COBB.

McDOWELL LEE,
Secretary.

LEAVE OF ABSENCE

At the request of Rep. Warren, leave of absence was granted for Rep. Hines, due to illness.

At the request of Rep. Manley, leave of absence was granted Rep. McMillan, due to business out of the state.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 510. To specify who may disclaim an interest in property and provide for partial disclaimer; to provide that a disclaimer may be made of any property, property right, or interest in property, including partial interests; to fix the time limits for filing a disclaimer and to provide for the manner of the delivery and filing of the disclaimer; to provide for the form of the disclaimer; to determine the effect of the disclaimer; to provide for waiver and barring of a disclaimer; to ensure that this Act does not abridge the right of any person to disclaim under any other statute; to ensure that this Act is construed to effectuate its intended purposes to make uniform the law with respect to the subject of this Act among states enacting it and to provide for the ability of persons to disclaim interests in property without the imposition of transfer taxes; to provide for severability of the provisions of this Act; and to provide for a retroactive effective date for the provisions of this Act.

Also:

H. 31. To amend Section 32-6-1 of the Code of Alabama 1975, relating to drivers' licenses and the renewal of such licenses, so as to prescribe that the department of public safety shall mail renewal notices to each licensee at least thirty days prior to the expiration date.

Also:

H. 171. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 170. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, March 24, 1981, we adjourn to meet again on Thursday, March 26, 1981, at 11:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 170, was adopted.

Also:

By Rules Committee:

H. R. 171. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business March 24, 1981, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Sasser:

H. 132 p. 80 On strike jury system

By Rep. Owens:

H. 383 p. 75 Ad Valorem taxes, homestead exemptions, 65/older

By Rep. Clark (G):

H. 503 p. 42 Motor Vehicle Franchise Act

By Mr. McDonald:

S. 392 p. 4S Athens State consolidation

By Rep. Roberts:

H. 357 p. 64 Hospital incorporation

By Rep. Willis:

H. 426 p. 87 Increase boat registration

By Rep. Willis:

H. 427 p. 55 Limit liability of landowners

By Rep. Johnson (R. G.):

H. 217 p. 70 Third Party Prescriptions

By Rep. Crow:

H. 578 p. 4S Conservation officers

By Rep. Smith (J):

H. 40 p. 7 Smoke detectors, motels

By Rep. Dixon:

H. 496 p. 10S Retired person on State Employees System

By Rep. Venable:

H. 261 p. 36 C/A prohibits issuing tax exempt bonds

By Rep. Venable:

H. 259 p. 36 Prohibits issuing bonds exempt from taxes

By Rep. Venable:

H. 260 p. 36 Report bonds to Securities Commission

By Rep. Venable:

H. 262 p. 37 10-year limit bond exemption

By Rep. McMillan:

H. 585 p. 88 Prohibits dune buggies

By Rep. Biddle:

H. 651 p. 5S Water works systems

By Rep. Harvey:

H. 39 p. 67 Election officials

By Rep. Shoemaker:

H. 215 p. 12 Bd. Medical Examiners, investigators

By Rep. Adams (C):

H. 425 p. 82 Competetive bid law

By Rep. Ray:

H. 414 p. 45 Collection of debts owed to state

By Rep. Sandusky:

H. 305 p. 43 Bar pilots

By Rep. Biddle:

H. 502 p. 11S Bone marrow

By Rep. Gafford:

H. 484 p. 38 State Treasury

By Rep. Minus:

H. 499 p. 77 Alcohol license fees

By Rep. Waggoner:

H. 166 p. 38 Appointment of bank investigators

By Rep. Kelley:

H. 547 p. 85 Unemployment benefits

By Rep. Cosby:

H. 169 p. 81 Airport Authorities

By Rep. Smith (C):

H. 473 p. 53 C/A swine promotion

By Rep. Letson:

H. 474 p. 53 C/A soybean promotion

By Rep. Smith (C):

H. 498 p. 52 Beef promotion

By Rep. Payne:

H. 482 p. 83 Sale or leasing of public lands

By Rep. Cabaniss:

H. 239 p. 50 Department of Insurance

By Rep. Naramore:

H. 178 p. 45 Abandoned mines

By Rep. Cates:

H. 549 p. 78 Rate of interest

By Rep. Penry:

H. 527 p. 52 Grain dealers

By Rep. Edwards:

H. 154 p. 19 Small municipalities, competitive bids

By Rep. Drinkard:

H. 375 p. 5S Alabama Unemployment

By Rep. Barton:

H. 227 p. 28 Ad valorem taxes

By Rep. Johnson (R. G.):

H. 216 p. 34 Drug identification

By Rep. Zoghby:

H. 186 p. 97 Protection from abuse act

By Rep. Kelley:

H. 545 p. 84 Oil and gas production tax

By Rep. Kelley:

H. 546 p. 84 Oil and gas severance tax

By Rep. Sasser:

H. 363 p. 74 Parole officers to join Annuity

By Rep. Smith (J):

H. 369 p. 28 County governing bodies

By Rep. Gafford:

H. 287 p. 12 Small loan companies

By Rep. Whatley:

H. 689 p. 19S Utility abandoning service

On motion of Rep. Biddle, the resolution, H. R. 171, was adopted.

BILLS ON SECOND READING

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 612. (With Substitute): To amend Section 9-11-237 of the Code of Alabama 1975 relating to game and fish and providing penalties for the sale of any part of a game animal so as to further provide that the section shall not apply to the sale by a licensed hunter of deer hides or antlers taken from a deer lawfully killed by that hunter.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 204. To provide that law enforcement officers employed by the Department of Conservation and Natural Resources and law enforcement officers or investigators employed by the Alcoholic Beverage Control Board may retain their badge, pistol and such other personal equipment as the department may designate upon their retirement.

H. 390. To provide for the transfer of certain property of the Fort Morgan Military Reservation owned by the Alabama Historical Commission to the Alabama Department of Conservation and Natural Resources, Division of State Parks.

S. 109. To amend § 9-11-147 of the Code of Alabama 1975 so as to provide further for the marking and identification of slat boxes used for commercial fishing.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 573. Relating to Etowah County; to provide that the county commission must approve any concerts or events for which a license tax is charged pursuant to section 40-12-82 of the Code of Alabama 1975 before such license is issued.

H. 641. Relating to Henry County; providing further for the salary of the county superintendent of education and providing for an effective date.

H. 642. Relating to Henry County; providing further for the expense allowance of the members of the county board of education.

H. 643. Relating to Henry County; providing for an expense allowance for the county superintendent of education; repealing Act No. 1169, H. 1854, Regular Session 1971 (Acts 1971, p. 2026); and providing for its retroactive effect.

H. 668. Relating to Shelby County; amending Act No. 80-408, H. 809, 1980 Regular Session (Acts 1980, p. 567), which provides for voter reidentification in Shelby County, so as to extend the time limit, provide for the compensation of the board of registrars and to make certain provisions of this Act retroactive to the date of the original Act No. 80-408, viz May 8, 1980.

H. 669. Relating to Colbert County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

H. 670. To repeal Act No. 2454, H. 2806, 1971 Regular Session (Acts 1971, p. 3921), entitled, "An Act Relating to counties having populations of not less than 49,000 nor more than 51,000, according to the most recent federal decennial census; fixing the fee for issuance of pistol permits by the sheriff and providing for distribution and use of such fees.

H. 711. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Steele in St. Clair County.

H. 712. Relating to Washington County; providing further for the compensation of the county superintendent of education.

H. 714. Proposing an Amendment to the Constitution of 1901 relating to the City of Alabaster in Shelby County; authorizing the municipal governing body to levy an additional ad valorem tax.

The above bill was read a second time at length as required by the Constitution.

H. 721. Relating to Winston County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

H. 730. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violations.

H. 735. To repeal Act No. 83, H. 114, 1963 Regular Session (Acts 1963, p. 463), as amended, and Act No. 333, H. 918, 1973 Regular Session (Acts 1973, p. 476), which provide for the compensation of the county superintendent of education in counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 34. Relating to Jefferson County; to provide for the composition of any county planning commission established under Act No. 344, H. 775, 1947 Regular Session (General Acts of 1947, p. 217), or Act No. 581, H. 1012, 1947 Regular Session (General Acts of 1947, p. 404); to provide for the division of the county into districts, and to provide for the appointment of the members from said districts.

H. 162. To repeal Act No. 707 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, pp. 1249 and 1250).

MOTION IN WRITING

Rep. Penry filed the following Motion in Writing:

Having voted on the prevailing side, I move to reconsider the vote by which House Bill 284 was indefinitely postponed.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Minus:

H. 737. To amend Section 5-16-31, Code of Alabama 1975, which provides for reorganizations of savings and loan associations, so as to provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by majority vote of members attending a meeting called to consider conversion.

Banking.

By Rep. Mitchell:

H. 738. To further amend section 39-2-2 of the Code of Alabama 1975 so as to modify the requirements and manner by which bids for certain public improvement contracts shall be advertised and solicited.

State Administration.

By Rep. Mitchell:

H. 739. To amend Section 36-16-8 of the Code of Alabama 1975, to increase the dollar value from \$100.00 to \$500.00 for nonconsumable property that has to be reported by the property manager of each department or agency of the state to the property inventory control division, and decreasing the frequency of reporting from every six months to every two years.

State Administration.

By Rep. Mitchell:

H. 740. To amend Section 41-1-6 of the Code of Alabama 1975, so as to increase the dollar value from \$100.00 to \$500.00 for nonconsumable personal property which has to be reported by the property manager of each department or agency of the state, and to decrease the frequency of the report from every six months to once every two years.

State Administration.

By Rep. Barton:

H. 741. To amend Section 3 (f), Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 3(a)(9), Title 28, Code of Alabama 1975 and Section 11, Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 11, Title 28, Code of Alabama 1975 to further define a lounge retail liquor license.

State Administration.

By Reps. Pegues, Cosby, Williams, Edwards, Willis, Crow, Smith (J), Bowling, Rains, Carothers, Adams (H), Dial and Shoemaker:

H. 742. To provide labeling requirements and marketing procedures for products containing honey; and to provide penalties for violation.

Agriculture and Forestry.

By Reps. Bennett and Seibels (With Notice and Proof):

H. 743. To provide further for the compensation of certain election officers and workers in counties which have a population in excess of 500,000, according to the most recent federal decennial census, and to repeal all conflicting statutes.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 743, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bennett:

H. 744. To provide that full-time employees and executive officers of the Alabama Congress of Parents and Teachers, Inc., may elect to become members of the Teachers' Retirement System of Alabama; also to provide that said Congress and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

Ways and Means.

By Rep. Gilmer (With Notice and Proof):

H. 745. Relating to Fayette County; providing for the compensation and expense allowance of the members of the county commission; and providing that a part of this act shall be retroactive to October 1, 1977.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 745, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gilmer (With Notice and Proof):

H. 746. Relating to Lamar County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 746, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dixon:

H. 747. To amend Section 11-89A-8, Code of Alabama 1975, which provides for the formation of solid waste facilities by counties and municipalities, so as to prohibit said facilities from bidding or paying compensation for solid waste or recyclables being privately processed.

Health.

By Rep. Waggoner (With Notice and Proof):

H. 748. To amend Section 8 of Act No. 2079 of the Regular Session of 1971 (Ala. Acts, 1971, pp. 3335-3350) which provides for the incorporation of a municipal parking authority in any city of the State having a population of 300,000 or more.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 748, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner (With Notice and Proof):

H. 749. Relating to Shelby County; to provide an additional expense allowance for the county superintendent of education and to provide for retroactive effect.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 749, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (C):

H. 750. To provide additional penalties for persons using a firearm while committing or attempting to commit certain crimes.

Judiciary.

By Rep. Smith (C):

H. 751. To mandate an additional three-year sentence for the commission of certain felonies in private residences.

Judiciary.

By Rep. Willis:

H. 752. To amend Section 9-11-61 of the Code of Alabama 1975 relating to the transporting of furs, skins or pelts of fur-bearing animals, so as to provide that any person, firm or corporation which transports such furs, skins or pelts may obtain the same from a person who holds a license from another state which is the equivalent of an Alabama fur catcher's license.

Natural Resources.

By Reps. Shavers and Hall (With Notice and Proof):

H. 753. Relating to Jackson County, to raise the compensation of the jury commission and the compensation of the clerk of the commission.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 753, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Waggoner, Biddle, Cabaniss, Trammell, Lewis, Payne and Moore:

H. 754. To provide further for the election of the directors of any waterworks board incorporated under Title 11, Chapter 50, Article 8, Code of Alabama 1975, which serves four or more counties.

State Administration.

By Rep. Horn (With Notice and Proof):

H. 755. Relating to Class 1 municipalities having populations of not less than 300,000 or more according to the 1970 and any subsequent decennial census: to create a municipal racing commission for the regulation, licensing, qualification for licensing, and supervision dog racing, and wagering thereon; to prescribe the composition, appointment, powers and duties of the commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the Act; and to provide certain penalties for the violation of this Act and for other purposes relative thereto, and to provide for a referendum of the voters of the municipality on the question of whether the Act will become effective in the municipality; to provide for the term during which the members of said racing commission shall hold office; to provide for the method of appointing the members of said racing commission and the qualifications of said members; to authorize the employment by said racing commission of special legal counsel in addition to representation by the office of the city attorney; to prohibit members of said racing commission from making political contributions; to provide for the severability of the parts, sections and provisions of said Act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 755, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gafford:

H. 756. To amend § 40-12-414, Code of Alabama 1975, which provides for establishing proof of financial responsibility by automotive dismantler and parts recycler licensees, so as to permit evidence of net worth of not less than \$25,000 to be an acceptable condition of proof of responsibility.

State Administration.

By Rep. Cates:

H. 757. To require the reasonable description in lawful requests of state government of financial records of customers of shareholders of a person to prohibit a person from disclosing financial records unless served with a certificate that service of the lawful request was had on the customer or shareholder at least ten days prior to disclosure, subject to certain exceptions and limitations for grand jury and Alabama Securities Commission investigations; to relieve persons from liability for disclosure; to require reimbursement to the person of the costs of disclosure; to provide for the definitions of certain terms; to provide that the provisions of the act are severable; repealing laws or parts of laws in conflict; and to provide for an effective date.

Banking.

By Rep. Cosby:

H. 758. To amend Section 40-23-4, Code of Alabama 1975, which provides for exemptions from sales taxation, so as to include aircraft manufactured and sold, but not domiciled in the State within the exemption.

Ways and Means.

By Rep. Harper (T):

H. 759. To amend Title 16, Section 39, Subsection 7 of the Code of Alabama, 1975, so as to require the reallocation of teacher units for Exceptional Children.

Education.

By Rep. Zoghby:

H. 760. To exempt the Villa Mercy, A Corporation, the Allen Memorial Home, Inc., the Little Sisters of the Poor Home for the Aged, Inc., and the Particular Council of Mobile Society of St. Vincent de Paul from all state, county and use taxes.

Ways and Means.

By Rep. Tucker (With Notice and Proof):

H. 761. Relating to Jefferson County, Alabama; to allow the governing authority of the City of Birmingham located in Jefferson County, Alabama to enact ordinances regulating the hours of sale of alcoholic beverage licensed establishments located within the municipal limits; to repeal all local laws in conflict with this act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 761, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Tucker (With Notice and Proof):

H. 762. Relating to Jefferson County, Alabama; to allow the County Commission of Jefferson County, Alabama to regulate the hours of sale of alcoholic beverages on Sunday after the hour of 2:00 o'clock a.m. in all

alcoholic beverage licensed establishments located in Jefferson County, Alabama; to allow the governing authority of any municipality located in Jefferson County, Alabama to enact ordinances regulating the hours of sale of alcoholic beverage licensed establishments located within the municipal limits; to repeal all local laws in conflict with this act.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 762, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gafford:

H. 763. To establish the Right to Privacy in Divorce Act and to provide that in divorce and child custody proceedings, certain files shall be kept confidential.

Judiciary.

By Rep. Warren (With Notice and Proof):

H. 764. Relating to Monroe County; providing for the election of the superintendent of education; providing that only qualified electors residing in the school district served by such superintendent shall be entitled to vote in such election; and providing that this act shall become operative upon a majority of the qualified electors presiding in such district voting in favor of the election of the superintendent of education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 764, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Carothers, Grimsley and Daniels (With Notice and Proof):

H. 765. Relating to the City of Dothan Pension and Retirement System; further amending Sections 5 and 10 of Act No. 103, H. 363 of the 1953 Regular Session (Acts 1953, Vol. I, p. 145), as amended, so as to provide further for creditable service and the perpetuity of the system and relief of members already retired and future retirees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 765, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Escott (With Notice and Proof):

H. 766. To further amend Section 20 of Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1955 (General Acts of the Legislature of Alabama of 1945, pages 376-400), as heretofore amended, relating to creating and establishing a county-wide civil service system, in counties having a population of 400,000 or more according to the

last or any future federal census, and to provide that the amendment by this Act of Section 20 of said Act No. 248 shall apply both prospectively and also retroactively on and after May 23, 1977.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 766, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Greer and Coburn (With Notice and Proof):

H. 767. To provide certain service credit for supernumerary status for the tax assessor and tax collector of Lauderdale County; to provide for certain prerequisites for such credit and to provide that said county shall pay such employer costs as are necessary with respect to such employees subject to this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 767, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Barton and Johnson (Roy) (With Notice and Proof):

H. 768. Relating to Tuscaloosa County; authorizing the county commission to levy a special school tax on real property outside the municipality of Tuscaloosa and located in school districts one and two upon approval by the qualified voters within the county residing outside the municipality of Tuscaloosa in said districts.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 768, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Stout, Drinkard, Smith (J), Amari, Coburn, Hall, Albright, Carter, Ford, Patton, Carothers, Brakefield, Riddick, Adams (H), Stewart, Penry, Starkey, Roberts, Mitchell, Rains, Kelley, Shavers, Bennett, Smith (C), Blake, Harper (O), Gafford, Cates, Letson, Harvey, Minus, Naramore, Crow, Smith (M), Clark (G), Goodwin, Johnson (R. G.), Laird, Holley, Wyatt, Venable, Bedsole, Waggoner, Moore, Trammell, Adams (C), Ray, Johnson (Roy), Dial, Manley, Bowling and Greer:

H. 769. To provide for and authorize the incorporation and organization of a public corporation in the state to be named the Alabama synfuels development authority for the purpose of furthering the development of synthetic fuels; to designate the officers and members of the board of directors of the authority; to define and describe the duties and obligations of the authority; to prescribe the powers of the authority; and to provide for the dissolution of the authority.

State Administration.

By Reps. Greer and Boles:

H. 770. To amend section 32-5A-32, Code of Alabama 1975, so as to prohibit right turns on red lights.

Highway Safety.

By Reps. Cobb, Coburn, and Patton:

H. 771. To provide subsistence allowance for communication officers employed by the Department of Public Safety, while on duty and to authorize expenditure of funds for that purpose.

Ways and Means.

By Reps. Seibels, Lewis and Bennett:

H. 772. To amend Section 13A-11-14, Code of Alabama 1975, by deleting the language, "belonging to another", in Section 13A-11-14(3).

Judiciary.

By Reps. Seibels and Bennett:

H. 773. To amend Section 13A-6-60, Code of Alabama 1975, by adding subsection 9 to include a definition for the crime of bestiality which shall be defined as a sexual connection or touching between a human being and any animal done for the purpose of gratifying the sexual desire of the human being; and amends Section 13A-6-64, Code of Alabama 1975, by adding a provision which makes one guilty of sodomy in the second degree as one engages in bestiality.

Judiciary.

By Rep. Trammell (With Notice and Proof):

H. 774. To require the Water Works Board of the City of Birmingham to post a certain water fluoridation personal injury liability bond prior to or in the continuation of fluoridating the water in said city.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 774, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Reed:

H. 775. To provide that the counties of this state shall retain all driver's license fees collected by their judges of probate and shall expend the proceeds from such fees for certain law enforcement purposes.

Ways and Means.

By Rep. Reed:

H. 776. To make appropriations for the support and maintenance of the Tuskegee Institute.

Ways and Means.

By Reps. Edwards and Grouby:

H. 777. To amend Section 22-18-2 of the Code of Alabama 1975 so as to exempt businesses or companies that provide free ambulance service to their employees from certain requirements in the operation of ambulances.

Local Government.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Johnson (R. G.):

H. R. 172. COMMENDING ROY O. "BUDDY" GILLILAND, ROCKFORD, ALABAMA.

Also:

The following resolution was introduced:

By Rep. Johnson (R. G.):

H. J. R. 173. COMMENDING ROY O. "BUDDY" GILLILAND, ROCKFORD, ALABAMA.

WHEREAS, Roy O. "Buddy" Gilliland has made outstanding and unique contributions to the citizens of Rockford and to the citizens of Coosa County; and

WHEREAS, Buddy, born March 13, 1933, a victim of cerebral palsy, has enriched the people of Coosa County with his infectious personality and generous dedication to others; and

WHEREAS, some fifteen years ago, Buddy began collecting donations from individuals, organizations and from the business community for the Cerebral Palsy Fund of Coosa County; and

WHEREAS, not only has Buddy personally collected thousands of dollars for this worthy cause, he has initiated and participated in many Coosa County Cerebral Palsy Fund raising events; and

WHEREAS, as one who truly loves his fellowman, his tireless efforts reflect his dedication and devotion and also that he accepts and fulfills the duties of responsible citizenship; and

WHEREAS, the Legislature especially takes pleasure in noting the accomplishments of Roy O. "Buddy" Gilliland; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Buddy for outstanding service to mankind; that we further wish him well in all his future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Buddy as a token of appreciation from the people of Alabama and in recognition of a job well done.

On motion of Rep. Johnson (R. G.), the rules were suspended and the resolution, H. J. R. 173, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Smith (J):

H. R. 174. CONGRATULATING THE BUTLER HIGH SCHOOL REBELS ON THEIR OUTSTANDING BASKETBALL SEASON.

Also:

By Rep. Smith (J):

H. R. 175. CONGRATULATING THE CHARGERS OF THE UNIVERSITY OF ALABAMA AT HUNTSVILLE.

H. 284 RECONSIDERED

Having previously filed a Motion in Writing and having voted on the prevailing side, Rep. Penry offered the motion to reconsider the vote by which the bill, H. 284 as amended, was indefinitely postponed, and the motion to reconsider was adopted.

Yeas 33; Nays 8.

Yeas:

Reps.: Albright, Barton, Biddle, Bowling, Brakefield, Campbell, Carothers, Clark (G), Coburn, Gafford, Goodwin, Grimsley, Hall, Langford, Lewis, Manley, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Reed, Roberts, Sandusky, Trammell, Waggoner, Ward, Williams, Willis and Zoghby.

—33

Nays:

Reps.: Adams (C), Cheatwood, Clark (W), Escott, Kennedy, Pegues, Riddick and Wyatt.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 284. Relating to the state ethics law for public officers and employees (Title 36, Chapter 25, as amended, Code of Alabama 1975); to amend sections 36-25-1, 36-25-4, 36-25-14 and 36-25-30, Code of Alabama 1975 as amended, which sections relate to definitions, powers and duties of the state ethics commission, the filing of statements of economic interests, and to the construction of said Chapter 25, Title 36, Code of Alabama 1975, as amended, so as to include within the definition of "Public Official" certain persons, firms or corporations which have contracts with the state, or any agency thereof, which contracts provide for personal or professional services; to

require the filing of financial statements by such persons, firms or corporations; to prohibit the state ethics commission from issuing any opinion, ruling or regulation limiting or otherwise affecting campaign or political contributions to candidates for public office or to incumbent public office holders, except to require the reporting of any such contributions in a statement or report to be filed with the commission; and to provide that if any single provision of Chapter 25, Title 36, Code of Alabama 1975, as amended or superseded, is held unconstitutional or invalid by a court having jurisdiction then the entire provisions of said Chapter 25 shall be deemed invalid or unconstitutional and shall, in that event, have no further force or effect of law.

Was again taken up.

AMENDMENT OFFERED

Rep. Gafford offered the following amendment No. 1 to the bill, H. 284 as amended:

Amend H. B. 284 by striking lines 20 through 28 on page 11 commencing with the words "It is further" and inserting in lieu thereof the following: The provisions of this Chapter are severable. If any part of this Chapter or any part of any section therein is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 48; Nays 4.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Carothers, Carter, Clark (G), Clark (W), Cobb, Coburn, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hall, Harvey, Holley, Kelley, Laird, Langford, Manley, Mitchell, Moore, Naramore, Owens, Parker, Payne, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Starkey, Stewart, Trammell, Ward, Whatley, Williams and Wyatt.

—48

Nays: Reps.: Escott, Horn, Howard and Kennedy.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 31. To amend Section 32-6-1 of the Code of Alabama 1975, relating to drivers' licenses and the renewal of such licenses, so as to prescribe that the department of public safety shall mail renewal notices to each licensee at least thirty days prior to the expiration date.

Also:

H. 171. To amend Section 30-2-55, Code of Alabama 1975, relating to the termination of alimony upon certain conditions of remarriage or cohabitation, so as to give this section retroactive effect for any person granted a divorce either prior to April 28, 1978, or thereafter, and to provide that no payments of any alimony previously received shall have to be reimbursed.

Also:

H. 510. To specify who may disclaim an interest in property and provide for partial disclaimer; to provide that a disclaimer may be made of any property, property right, or interest in property, including partial interests; to fix the time limits for filing a disclaimer and to provide for the manner of the delivery and filing of the disclaimer; to provide for the form of the disclaimer; to determine the effect of the disclaimer; to provide for waiver and barring of a disclaimer; to ensure that this Act does not abridge the right of any person to disclaim under any other statute; to ensure that this Act is construed to effectuate its intended purposes to make uniform the law with respect to the subject of this Act among states enacting it and to provide for the ability of persons to disclaim interests in property without the imposition of transfer taxes; to provide for severability of the provisions of this Act; and to provide for a retroactive effective date for the provisions of this Act.

Also:

H. J. R. 166. HONORING MR. JACK THOMPSON FOR SERVICE TO ELMORE COUNTY AS COUNTY AGENT/COORDINATOR.

Also:

H. J. R. 169. HONORING STATE REPRESENTATIVE WAYNE COBB.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and House Joint Resolutions, the titles of which are set out in the above and foregoing Report of the Standing Committee on Rules.

S. 263 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 263, from the Standing Committee on Insurance to the Standing Committee on Local Government.

H. 284 RESUMED

Rep. Gafford offered the following amendment No. 2 to the bill, H. 284 as amended:

Amend H. B. 284 by striking in its entirety subsection (9) (b) on page 4, lines 17 through 29.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 37; Nays 1.

Yeas:

Reps.: Albright, Barton, Bedsole, Blake, Bowling, Brakefield, Carothers, Carter, Clark (G), Drinkard, Edwards, Ford, Gafford, Grouby, Hall, Harvey, Holley, Langford, Moore, Parker, Payne, Reed, Riddick, Roberts, Sandusky Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Whatley, Williams, Wyatt and Zoghby.

—37

Nay: Rep. Kennedy.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Tucker to indefinitely postpone the bill, H. 284 as amended, was lost.

Yeas 22; Nays 41.

Yeas:

Reps.: Adams (C), Bennett, Buskey, Cheatwood, Clark (W), Escott, Harrison, Horn, Howard, Kennedy, Laird, McKee, Rains, Reed, Riddick, Smith (C), Starkey, Tucker, Venable, Warren, Whatley and Wyatt.

—22

Nays:

Reps.: Albright, Barton, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cates, Clark (G), Coburn, Cosby, Crow, Drinkard, Edwards, Ford, Grouby, Hall, Harper (T), Harvey, Langford, Lewis, Manley, Minus, Mitchell, Moore, Owens, Parker, Payne, Penry, Sandusky, Sasser, Seibels, Smith (J), Smith (M), Stewart, Stout, Waggoner, Williams, Willis and Zoghby.

—41

And the bill, H. 284 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 27.

Yeas:

Reps.: Barton, Bedsole, Blake, Bowling, Brakefield, Cabiniss, Carter, Clark (G), Coburn, Cosby, Gafford, Grimsley, Harper (T), Harvey, Johnson (R. G.), Langford, Manley, Minus, Moore, Naramore, Olive, Parker, Payne, Reed, Roberts, Sandusky, Seibels, Shavers, Smith (J), Smith (M), Stewart, Stout, Waggoner, Willis and Zoghby.

—35

Nays:

Reps.: Adams (C), Bennett, Buskey, Cheatwood, Clark (W), Crow, Escott, Grouby, Harper (O), Holley, Horn, Howard, Kennedy, Laird, McKee, Owens, Rains, Riddick, Smith (C), Starkey, Tucker, Turner, Venable, Ward, Warren, Whatley and Wyatt.

—27

REPORT FILED

Pursuant to House Joint Resolution 187, Act No. 250 of the 1980 Session of the Legislature, Rep. Eric O. Cates, Jr., Chairman, submitted the Report of the Joint Interim Committee to Study The Management of State Funds, and the report was ordered filed.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Hammett:

H. R. 176. MOURNING THE DEATH OF MARVIN CRAIG FRANKLIN.

SPECIAL ORDER

The House then proceeded with consideration of the bills on the Special Order Calendar.

And the bill:

H. 648. Relating to Coosa County; enunciating legislative intent; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bennett, Blake, Brakefield, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Daniels, Dixon, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Laird, Letson, Manley, Minus, Naramore, Olive, Owens, Pegues, Penry, Roberts, Sasser, Smith (J), Starkey, Stewart, Trammell, Turner, Ward, Whatley, Williams, Willis and Wyatt.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 649. Relating to Coosa County; providing further for the issuance of pistol permits by the sheriff, the fees therefor and the use of such fees; repealing specifically Act No. 121, H. 22 of the 1971 Regular Session (Acts 1971, p. 204), as amended, entitled, "An Act Relating to counties having populations of not less than 10,660 nor more than 10,900, according to the most recent federal decennial census; fixing the fees for issuance of pistol permits by the sheriff and providing for distribution and use of such fees," and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Brakefield, Carter, Cheatwood, Clark (G), Clark (W), Crow, Daniels, Dixon, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Laird, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Roberts, Sasser, Seibels, Smith (J), Starkey, Trammell, Turner, Ward, Whatley, Williams, Willis and Wyatt.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 650. To provide that the county commission of Coosa County shall pay all deputy sheriffs a starting salary of \$900.00 per month. The chief deputy shall be entitled to a salary of not less then \$75.00 per month more than a deputy. A sergeant will draw \$30.00 per month more than a deputy.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Harper (O), Harvey, Kennedy, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Roberts, Sasser, Seibels, Smith (J), Stewart, Trammell, Turner, Venable, Whatley, Williams, Willis, Wyatt and Zoghby.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 667. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Leeds, in Jefferson County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Harper (O), Harvey, Holley, Howard, Laird, Langford, Letson, Manley, Minus, Moore, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—55

And the bill:

H. 659. Relating to Dallas County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Brakefield, Carothers, Carter, Cheatwood, Clark (G), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Laird, Langford, Letson, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—58

And the bill:

H. 660. Relating to Dallas County; amending Act No. 113, H. 119, 1967 Regular Session (Acts 1967, p. 187), which provides for the issuance of a pistol permit, so as to increase the fee for said permit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Horn, Laird, Langford, Letson, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—61

And the bill:

H. 661. Relating to Dallas County; to provide for a continuous system of compensation for election officers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Howard, Laird, Langford, Letson, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Smith (J), Stewart, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—58

And the bill:

H. 663. Relating to Perry County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Howard, Kelley, Laird, Langford, Letson, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—57

And the bill:

H. 665. Relating to Conecuh County; regulating and providing for the payment of compensation of election officers.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Howard, Laird, Langford, Letson, McKee, Manley, Mitchell, Naramore, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—57

And the bill:

H. 675. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in Marengo County.

Was taken up.

AMENDMENT OFFERED

Rep. Johnson (R. G.) offered the following amendment to the bill, H. 675:

Amendment H. B. 675 on page 1, Section 1, line 32, by striking the word "and" before the word "Marengo" and adding in lieu thereof the following after the word "Marengo": and Talladega

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Brakefield, Buskey, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Horn, Johnson (R. G.), Laird, Langford, Letson, McKee, Manley, Minus, Mitchell, Naramore, Olive, Owens, Pegues, Penry, Rains, Ray, Roberts, Seibels, Shavers, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—57

And the bill, H. 675 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Horn, Howard, Johnson (R. G.), Laird, Langford, Letson, Manley, Minus, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—63

And the bill:

H. 686. To provide that the investigators of the district attorney of the Thirty-ninth Judicial Circuit shall have arrest powers in Limestone County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Crow, Dial, Dixon, Drinkard, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Holmes, Horn, Laird, Letson, Manley, Minus, Naramore, Olive, Owens, Parker, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Smith (J), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—54

And the bill:

H. 690. To amend Section 1 of Act 80/342 of the 1980 Regular Session and to correctly designate a street name.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Crow, Dial, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Laird, Langford, Letson, Manley, Minus, Naramore, Olive, Owens, Parker, Patton, Penry, Rains, Ray, Roberts, Sasser, Seibels, Shavers, Smith (J), Stewart, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—60

And the bill:

H. 685. Relating to Madison County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Crow, Dixon, Drinkard, Edwards, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Horn, Kennedy, Laird, Langford, Manley, Minus, Naramore, Olive, Owens, Parker, Patton, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (J), Smith (M), Stewart, Trammell, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—56

And the bill:

H. 132. To amend Sections 12-16-100 and 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Was taken up.

MOTION TO TEMPORARILY POSTPONE TABLES

On motion of Rep. Sasser, the motion offered by Rep. Holmes to temporarily postpone consideration of the bill, H. 132, was tabled.

Yeas 72; Nays 11.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cosby, Crow, Daniels, Dial, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—72

Nays:

Reps.: Buskey, Clark (G), Clark (W), Drinkard, Escott, Holmes, Horn, Howard, Langford, Reed and Tucker.

—11

MOTION TO POSTPONE TABLED

On motion of Rep. Sasser, the motion offered by Rep. Tucker to postpone the bill, H. 132 to the eighteenth legislative day, was tabled.

Yeas 63; Nays 10.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Cosby, Crow, Daniels, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Laird, Letson, Lewis, Minus, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

—63

Nays:

Reps.: Buskey, Cheatwood, Clark (W), Escott, Harrison, Holmes, Horn, Howard, Langford and Tucker.

—10

And the bill, H. 132, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 12.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Cobb, Csoby, Crow, Daniels, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, Lewis, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Wyatt.

—68

Nays:

Reps.: Buskey, Clark (G), Clark (W), Escott, Ford, Harrison, Holmes, Horn, Kennedy, Langford, Reed, and Trammell.

—12

CO-SPONSORS ADDED

Reps. Blake, Naramore, Adams (H) and Brakefield were added as co-sponsors to the bill, H. 132.

And the bill:

H. 383. To amend Section 40-9-19 of the Code of Alabama 1975, as amended by Act 80-551 of the 1980 Regular Session of the Alabama Legislature relating to homestead exemptions for ad valorem tax purposes for persons 65 years of age or older and disabled or blind so as to prescribe further the amount of exemption.

Was taken up.

AMENDMENT OFFERED

Rep. Owens offered the following amendment No. 1 to the bill, H. 383:

Amend House Bill 383 on page 1, line 21 by deleting the numbers "80-551" and inserting in lieu thereof the numbers "80-731".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bennett, Biddle, Brakefield, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grouby, Hammett, Harper (O), Harvey, Holley, Horn, Kelley, Laird, Langford, Letson, Lewis, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—69

AMENDMENT OFFERED

Rep. Owens offered the following amendment No. 2 to the bill, H. 383 as amended:

On page 2, on line 23, insert before the word "gross":
adjusted

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Biddle, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, Minus, Mitchell, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Turnham, Venable, Waggoner, Warren, Williams, Willis and Wyatt.

—74

Nays: Reps: Payne and Trammell.

—2

And the bill:

H. 383. To amend Section 40-9-19 of the Code of Alabama 1975, as amended by Act 80-731 of the 1980 Regular Session of the Alabama Legislature relating to homestead exemptions for ad valorem tax purposes for persons 65 years of age or older and disabled or blind so as to prescribe further the amount of exemption.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—84

CO-SPONSOR ADDED

Rep. Rains was added as co-sponsor to the bill, H. 383.

And the bill:

H. 503. To promulgate "The Motor Vehicle Franchise Act" in order to provide for the regulation of motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

Was taken up.

SUBSTITUTE OFFERED

Rep. Clark (G) offered the following substitute to the bill, H. 503:

A BILL TO BE ENTITLED AN ACT

To promulgate "The Motor Vehicle Franchise Act" in order to provide for the regulation of motor vehicle manufacturers, distributors, wholesalers, dealers, and their representatives; to provide for the regulation of dealings and transactions between manufacturers and distributors or wholesalers and their dealers; to prohibit unfair and deceptive trade practices; and to prescribe remedies for violation of the provisions hereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title. This Act may be cited as "The Motor Vehicle Franchise Act."

Section 2. Declaration of Purpose. The Legislature finds and declares that the distribution and sale of motor vehicles within this state vitally affect the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and to exercise of its police power, it is necessary to regulate motor vehicle manufacturers, distributors, dealers, and their representatives and to regulate the dealings between manufacturers and distributors or wholesalers and their dealers in order to prevent fraud and other abuses upon the citizens of this state and to protect and preserve the investments and properties of the citizens of this state.

Section 3. Definitions. For the purpose of this Act, the following terms shall have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning:

1. "Motor vehicle dealer" means a person operating under a dealer agreement from a manufacturer or distributor and who is engaged regularly in the business of buying, selling, or exchanging motor vehicles in this state and who has in this state an established place of business.

2. "Dealer agreement" or "franchise" means the written contract between any new motor vehicle manufacturer and any new motor vehicle dealer which purports to fix the legal rights and liabilities of the parties to such agreement or contract, and pursuant to which the dealer purchases and resells the franchise product or leases or rents the dealership premises.

3. "Distributor" or "wholesaler" means a person, whether a resident or a non-resident, other than a manufacturer, who sells or distributes motor vehicles to motor vehicle dealers or who maintains distributor representatives within the state.

4. "Distributor representative" means a representative employed by a distributor or wholesaler for the purpose of making or promoting the sale of the distributor's or wholesaler's new motor vehicles to motor vehicle dealers or for supervising or contacting the motor vehicle dealers or prospective motor vehicle dealers.

5. "Factory representative" means a person employed by a manufacturer for the purpose of making or promoting the sale of the manufacturer's new motor vehicles to motor vehicle dealers or distributors or for supervising or contacting the motor vehicle dealers or prospective motor vehicle dealers.

6. "Factory branch" means a branch office maintained by a manufacturer in order to direct and supervise the representatives of the manufacturer.

7. "Distributor branch" means a branch office maintained by a distributor or wholesaler.

8. "Motor vehicle" means every vehicle intended primarily for use and operation on the public highways which is self-propelled and farm tractors and self-propelled farm implements.

9. "Manufacturer" means any person engaged in the manufacturing or assembling of new motor vehicles as a regular business or any person who is controlled by the manufacturer.

10. "Person" means an individual, firm, partnership, association, joint stock company, corporation, or other legal entity or a combination of legal entities.

11. "New motor vehicle" means a vehicle which has been sold to a new motor vehicle dealer and which has not been used for other than demonstration purposes and on which the original title has not been issued from the new motor vehicle dealer.

12. "Relevant market area" means the area within a radius of twenty (20) miles around an existing dealer or the area of responsibility defined in the franchise, whichever is greater; except that, where a manufacturer is seeking to establish an additional new motor vehicle dealer and there are one or more existing new motor vehicle dealers of the same line make within a ten (10) mile radius of the proposed dealer site, the "relevant market area" shall in all instances be the area within a radius of ten (10) miles around an existing dealer.

13. "Good faith" shall mean honesty in fact and the observation of reasonable commercial standards of fair dealing in the trade as is defined and interpreted in Section 7-2-103(l)(b), Code of Alabama 1975.

Section 4. Unfair and Deceptive Trade Practices. Notwithstanding the terms, provisions or conditions of any dealer agreement or franchise or the terms or provisions of any waiver, prior to the termination, cancellation or non-renewal of any dealer agreement or franchise, the following acts or conduct shall constitute unfair and deceptive trade practices:

1. For any manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative, to coerce or attempt to coerce any motor vehicle dealer;

a. To accept, buy or order any motor vehicle or vehicles, appliances, equipment, parts or accessories therefor, or any other commodity or commodities or service or services which such motor vehicle dealer has not voluntarily ordered or requested except items required by applicable local, state or federal law; or to require a motor vehicle dealer to accept, buy, order or purchase such items in order to obtain any motor vehicle or vehicles or any other commodity or commodities which have been ordered or requested by such motor vehicle dealer;

b. To order or accept delivery of any motor vehicle with special features, appliances, accessories or equipment not included in the list price of said motor vehicle as publicly advertised by the manufacturer thereof, except items required by applicable law;

c. To enter into any agreement with such manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative, to do any other act prejudicial to said dealer, the effect of which is to reduce the motor vehicle dealer's allocation of motor vehicles or cancel or fail to renew any franchise or any dealer agreement existing between the parties other than as hereinafter provided; provided, however, that this subsection is not intended to preclude the manufacturer or distributor from insisting on compliance with the reasonable terms or provisions of the franchise and notice in good faith to any motor vehicle dealer of said dealer's violation of any reasonable terms or provisions of such franchise or dealer agreement or of any law or regulation applicable to the conduct of a motor vehicle dealer shall not constitute a violation of this Act;

d. To participate in any advertising campaign or contest, or to purchase any promotional materials, training materials, showroom or other display decorations at the expense of the dealer;

e. To refrain from participation in the management of, investment in, or the acquisition of any other line of new motor vehicle or related products; provided that the new motor vehicle dealer maintains a reasonable line of credit for each make or line of new motor vehicle, and that the new motor vehicle dealer remains in substantial compliance with the terms and conditions of the franchise and with any reasonable facilities requirements of the manufacturer; or

f. To change the location of the new motor vehicle dealership or, during the course of the agreement, to make any substantial alterations to the dealership premises when to do so would be unreasonable.

2. For any manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch, distributor representative or motor vehicle dealer to engage in any action with respect to a franchise which is arbitrary, in bad faith or unconscionable and which causes damage to any of the parties.

3. For any manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative.

a. To adopt, change, establish or implement a plan or system for the allocation and distribution of new motor vehicles to motor vehicle dealers which is arbitrary or capricious or to modify an existing plan so as to cause the same to be arbitrary or capricious;

b. To fail or refuse to advise or disclose to any motor vehicle dealer having a franchise or dealer agreement, upon written request therefor, the basis upon which new motor vehicles of the same line make are allocated or distributed to motor vehicle dealers in the state and the basis upon which the current allocation or distribution is being made or will be made to such motor vehicle dealer;

c. To refuse to deliver to a motor vehicle dealer in reasonable quantities and within a reasonable time after receipt of the motor vehicle dealer's order, any such motor vehicles as are covered by a franchise or dealer agreement and specifically publicly advertised in the state by such manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative to be available for immediate delivery; provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this Act if such failure is due to an act of God, a work stoppage or delay due to a strike or labor difficulty, a shortage of materials, lack of available manufacturing capacity, a freight embargo or other cause over which the manufacturer, factory branch, factory representative, distributor or wholesaler, distributor branch or distributor representative shall have no control;

d. To cancel or terminate the franchise or dealer agreement of a motor vehicle dealer other than as hereinafter provided;

e. To fail or refuse to extend the franchise or dealer agreement of a motor vehicle dealer upon its expiration other than as hereinafter provided;

f. To offer a renewal, replacement or succeeding franchise or dealer agreement containing terms and provisions the effect of which is to substantially change or modify the sales and service obligations or capital requirements of the motor vehicle dealer other than as hereinafter provided;

g. To offer to sell or lease, or to sell or lease, any new motor vehicle to any motor vehicle dealer at a lower actual price therefor than the actual price offered to any other motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device including, but not limited to, sales promotion plans or programs which result in such lesser actual price and which are not offered to dealers of vehicles of the same line make; provided, however, that the provisions of this paragraph shall not apply to sale to a motor vehicle dealer for resale to any unit of the United States Government, the State or any of its political subdivisions;

h. To offer to sell or lease, or to sell or lease, any new motor vehicle to any person, except a wholesaler's or distributor's or manufacturer's employees, at a lower actual price therefor than the actual price offered and charged to a motor vehicle dealer for the same model vehicle similarly equipped or to utilize any device which results in such lesser actual price and which are not offered to dealers of vehicles of the same line make; provided, however, that the provisions of this paragraph shall not apply to sales to a motor vehicles dealer for resale to any unit of the United States Government, the State or any of its political subdivisions;

i. To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from changing the executive management control of the motor vehicle dealer unless such change of executive management control will result in executive management control by a person or persons who are not of good moral character or who do not meet the manufacturer's or wholesaler's or distributor's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the new motor vehicle dealer, uniformly applied minimum business experience standards in the market area; provided, however, that where the manufacturer or distributor or wholesaler rejects a proposed change in executive management control, the manufacturer or distributor or wholesaler shall give written notice of his reasons to the motor vehicle dealer within forty-five (45) days of notice to the manufacturer or wholesaler or distributor by the motor vehicle dealer of the proposed change accompanied by information reflecting the identity, business experience and affiliations, and source of investment funds of the proposed new management;

j. To prevent or attempt to prevent by contract or otherwise any motor vehicle dealer from establishing or changing the capital structure of his dealership or the means by or through which he finances the operation thereof; provided the dealer meets any reasonable capital standards agreed to between the motor vehicle dealer and the manufacturer, distributor or wholesaler, who may require that the sources, method and manner by which the motor vehicle dealer finances or intends to finance its operation, equipment or facilities be fully disclosed;

k. To refuse to give effect to or prevent or attempt to prevent by contract or otherwise any motor vehicle dealer or any officer, partner or stockholder of any motor vehicle dealer from selling or transferring any part of the interest of any of them to any other person unless such sale or transfer is to a transferee who would not otherwise qualify for a new motor vehicle dealers license issued by the State of Alabama or a political subdivision thereof or unless such sale or transfer is to a person who is not of good moral character or who does not meet the manufacturer's or wholesaler's or distributor's existing and reasonable capital standards and, with consideration given to the volume of sales and service of the dealership, uniformly applied minimum business experience standards in the market area; provided, however, that

where such a rejection of a transfer is made the manufacturer or distributor or wholesaler shall give written notice of his reasons to the motor vehicle dealer within sixty (60) days of notice to the manufacturer or wholesaler or distributor by the dealer of the proposed transfer accompanied by information reflecting the identity of the new owner or owners, their business experience and affiliations and the pro forma balance sheet and source of investment funds of the proposed new dealership;

1. To unreasonably and without notice to existing motor vehicle dealers as hereinafter provided, enter into a franchise with an additional motor vehicle dealer who intends to conduct its dealership operations from a place of business situated within the relevant market area of an existing motor vehicle dealer or motor vehicle dealers representing the same line make. The appointment of a successor motor vehicle dealer at the same location as its predecessor or within a two-mile radius therefrom within two years from the date on which its predecessor ceased operations or was terminated, whichever occurred later, shall not be construed as the entering into of an additional franchise. Any manufacturer, distributor or wholesaler, factory branch, factory representative, distributor branch or distributor representative which intends to enter into an additional franchise shall, at least sixty (60) days prior to granting such franchise, give written notice of its intention to do so to each motor vehicle dealer of the same line make within the relevant market area. Such notice shall state the date on or after which such proposed franchise shall be granted or entered into. Prior to the date set forth in said notice on or after which such franchise will be entered into, any such motor vehicle dealer may petition a court of competent jurisdiction to determine whether such appointment or proposed appointment is unreasonable in which action the manufacturer, wholesaler or distributor shall have the burden of proof that such action is not unreasonable. No bond shall be required as a precondition to entry of an injunction enjoining appointment of an additional franchise. Such petition shall be entitled to a speedy trial. In determining whether such proposed appointment is unreasonable, the court shall consider all pertinent circumstances. These may include but are not limited to:

(1) whether the establishment of such additional franchise is warranted by economic and marketing conditions including anticipated future changes;

(2) the past, present and anticipated retail sales and service business transacted by the objecting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area;

(3) the investment made and obligations incurred by the objecting motor vehicle dealer or dealers and other motor vehicle dealers of the same line make with a place of business in the relevant market area;

(4) whether it is beneficial or injurious to the public welfare for an additional franchise to be established.

m. To prospectively require a motor vehicle dealer to assent to a release, assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this Act;

n. To prevent or refuse to give effect to the succession to the ownership or management control of a dealership upon the death or incapacity of a motor vehicle dealer to any legatee or devisee under the will of a dealer or to an heir under the laws of descent and distribution of this state unless the successor is a person who is not of good moral character or who does not meet the

manufacturer's distributor's or wholesaler's existing and reasonable capital standards and, with consideration given to the volume of the sales and service of the dealership, uniformly applied minimum business experience standards in the market area; provided, however, that where such a rejection of succession is made, the manufacturer or distributor or wholesaler shall give written notice of his reasons to be the proposed successor within sixty (60) days of notice to the manufacturer or wholesaler or distributor by the proposed successor of his intent to succeed to the ownership or management of the dealership accompanied by information reflecting the identity of the new owner or owners, their business experience and affiliation and the pro forma balance sheet and source of investment funds of the proposed new dealership. This Section does not preclude the owner of a new motor vehicle dealer from designating any person as his successor by written instrument filed with the manufacturer or distributor and, in the event there is a conflict between such written instrument and the provisions of this Section, the written instrument shall govern;

o. To fail to indemnify and hold harmless its motor vehicle dealers against any losses, including but not limited to, court costs and reasonable attorneys' fees, or damages arising out of complaints, claims or lawsuits including, but not limited to, strict liability, negligence, misrepresentation, warranty (express or implied), or rescission of the sale where the complaint, claim or lawsuit relates to the manufacture, assembly or design of new motor vehicles, parts or accessories, or other functions by the manufacturer, beyond the control of the dealer, including, without limitation, the selection by the manufacturer of parts or components for the vehicle, or any damages to merchandise occurring in transit to the dealer where the carrier is designated by the manufacturer;

p. To increase prices of new motor vehicles which the new motor vehicle dealer had ordered for retail consumers prior to the dealer's receipt of the written official price increase notification. A sales contract signed by a retail consumer shall constitute evidence of each such order; provided that the vehicle is in fact delivered to that customer. In the event of manufacturer price reductions or cash rebates, the amount of any such reduction or rebate received by a dealer shall be passed on to the retail consumer by the dealer if the retail price was negotiated on the basis of the previous higher price to the dealer. Price reductions shall apply to all vehicles in the dealer's inventory which were subject to the price reduction. Price differences applicable to new model or series motor vehicles at the time of the introduction of new models or series shall not be considered a price increase or price decrease. Price changes caused by either: (1) the addition to a motor vehicle of required or optional equipment pursuant to state or federal law; (2) revaluation of the United States dollar, in the case of foreign-make vehicles or components; or (3) an increase in transportation charges due to increased rates imposed by common or contract carriers, shall not be subject to the provisions of this subsection;

q. To offer any refunds or other types of inducements to any person for the purchase of new motor vehicles of a certain line make to be sold to the state or any political subdivision thereof without making the same offer to all other new motor vehicle dealers in the same line make within the state;

r. To release to any outside party, except under subpoena, or as otherwise required by law or in an administrative, judicial or arbitration proceeding, any business, financial, or personal information which may be from time-to-time provided by the dealer to the manufacturer, without the express written consent of the dealer; or

s. To compete with a new motor vehicle dealer in the same line make operating under an agreement or franchise from the aforementioned manufacturer in the relevant market area. A manufacturer shall not, however, be deemed to be competing when operating a dealership either temporarily for a reasonable period, or in a bona fide retail operation which is for sale to any qualified independent person at a fair and reasonable price, or in a bona fide relationship in which an independent person has made significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership or such dealership on reasonable terms and conditions.

Section 5. Limitations on Cancellations, Modifications, Terminations and Nonrenewals.

1. Notwithstanding the terms, provisions or conditions of any agreement or franchise or notwithstanding the terms or provisions of any waiver, no manufacturer shall cancel, terminate, modify, fail to renew or refuse to continue any franchise relationship with a licensed new motor vehicle dealer unless the manufacturer has:

- a. Satisfied the notice requirement of this Section;
- b. Acted in good faith as defined in this Act;
- c. Has good cause for the cancellation, termination, modification, non-renewal or non-continuance.

2. Notwithstanding the terms, provisions or conditions of any agreement or franchise or the terms or provisions of any waiver, good cause shall exist for the purposes of a termination, cancellation, modification, non-renewal or non-continuance when:

a. There is a failure by the new motor vehicle dealer to comply with a provision of the franchise which provision is both reasonable and of material significance to the franchise relationship, provided that the manufacturer first acquired actual or constructive knowledge of such failure not more than one hundred eighty (180) days prior to the date on which notification is given by the manufacturer pursuant to the requirements of this Section;

b. If the failure by the new motor vehicle dealer to comply with a provision of the franchise relates to the performance of the dealer in sales or service, then good cause shall be defined as the failure of the dealer to substantially comply with the reasonable performance provisions of the franchise if:

(1) The new motor vehicle dealer was apprised by the manufacturer in writing of such failure; and

(a) said notification stated that notice was provided of failure of performance pursuant to this law; and

(b) the new motor vehicle dealer was afforded a reasonable opportunity, for a period of not less than six (6) months, to exert good faith efforts to carry out such provisions;

(2) Such failure thereafter continued within the period which began not more than one hundred eighty (180) days before the date notification of termination, cancellation, modification or non-renewal was given pursuant to this Section; and

3. The manufacturer shall have the burden of proof for showing that it has acted in good faith, that the notice requirements have been complied with, and that there was good cause for the franchise termination, cancellation, modification, non-renewal or non-continuance.

4. Notwithstanding the terms, provisions or conditions of any agreement or franchise or the terms or provisions of any waiver, prior to the termination, cancellation, modification, or non-renewal of any franchise, the manufacturer shall furnish notification of such termination, cancellation, modification or non-renewal to the new motor vehicle dealer as follows:

a. In the manner described in subsection 5; and

b. Not less than ninety (90) days prior to the effective date of such termination, cancellation, modification or non-renewal or not less than thirty (30) days prior to the effective date of such termination, cancellation or non-renewal with respect to any of the following:

(1) filing of any petition by or against the new motor vehicle dealer under any bankruptcy or receivership law;

(2) willful or intentional misrepresentation made by the new motor vehicle dealer with the express intent to defraud the manufacturer or distributor;

(3) failure of the new motor vehicle dealer to conduct its customary sales and service operations during its customary business hours for seven (7) consecutive business days;

(4) final conviction (including appeal) of the new motor vehicle dealer, principal owner or principal executive manager of any felony.

5. Notification under this Section shall be in writing; shall be by certified mail or personally delivered to the new motor vehicle dealer; and shall contain:

a. A statement of intention to terminate the franchise, cancel the franchise, modify the franchise, or not to renew the franchise; and

b. A statement of the reasons for the termination, cancellation, modification or non-renewal; and

c. The date on which such termination, cancellation, modification, or non-renewal takes effect.

6. Upon the termination, cancellation or non-renewal by the manufacturer of any franchise for good cause, the new motor vehicle dealer shall be paid fair and reasonable compensation by the manufacturer for the:

a. new motor vehicle inventory of the current and previous model year which has been acquired from the manufacturer;

b. supplies and parts acquired by the new motor vehicle dealer from the manufacturer or its approved sources within seven (7) years prior to the effective date of the termination, cancellation or non-renewal;

c. equipment, signs and furnishings acquired by the new motor vehicle dealer from the manufacturer or its approved sources;

d. special tools;

e. dealership facilities, if the facilities were required to be purchased or constructed as a precondition to obtaining the franchise or to its renewal by the manufacturer. The manufacturer shall use its best efforts to locate a purchaser who will offer to purchase the facilities at a reasonable price. If the manufacturer does not locate a purchaser within a reasonable time, the manufacturer will pay the dealer an amount equivalent to the reasonable rental value of such facilities for three (3) years during which time the manufacturer shall be entitled to possession of said facilities. If the facilities were leased and the lease was required as a precondition to obtaining the franchise or to its renewal by the manufacturer, then the manufacturer shall use its best efforts to locate a lessee who will offer to lease the premises for a reasonable term at a reasonable rent. If the manufacturer does not locate a lessee within a reasonable time, the manufacturer shall pay such rent for three (3) years or the remainder of the term of the lease, whichever is less and the manufacturer shall have the option to succeed to the rights of the dealer under the lease.

7. Upon the termination, cancellation or non-renewal by the manufacturer of any franchise without good cause, the new motor vehicle dealer shall be paid fair and reasonable compensation by the manufacturer for the personal property described in subsections 6(a)-(d) above and for the dealership facilities, if the facilities were required to be purchased or constructed as a precondition to obtain the franchise or to its renewal by the manufacturer. If the facilities were leased and the lease was required as a precondition to obtaining the franchise or to its renewal by the manufacturer, then the manufacturer shall be liable for payment of the rent for the remainder of the term of the lease during which time the manufacturer shall be entitled to possession of said facilities. The manufacturer shall also pay the dealer fair and reasonable compensation for the value of the dealership within six (6) months after the date of termination, cancellation or non-renewal.

8. Upon the termination, cancellation or non-renewal by the manufacturer of any franchise as a result of willful or intentional misrepresentations made by the new motor vehicle dealer with the express intent to defraud the manufacturer or distributor, the new motor vehicle dealer shall be paid fair and reasonable compensation by the manufacturer for the personal property described in subsections 6(a)-(d) above.

9. The fair and reasonable compensation to the dealer shall be paid by the manufacturer within ninety (90) days after tender by the dealer of the items in subsections 6(a)-(d) above at the dealership premises, provided the new motor vehicle dealer has clear title to the inventory and other items and is in a position to convey that title to the manufacturer.

Section 6. Predelivery Obligations. Every manufacturer or wholesaler or distributor, factory branch, factory representative, distributor branch or distributor representative shall specify to the motor vehicle dealer the delivery and preparation obligations of its motor vehicle dealers prior to delivery of new motor vehicles to retail buyers. A copy of the delivery and preparation obligations of its motor vehicle dealers and a schedule of the compensation to be paid to its motor vehicle dealers for the work and services they shall be required to perform in connection with such delivery and preparation obligations shall be presented to the dealer and the obligations specified therein shall constitute any such dealer's only predelivery obligations as between such dealer and such manufacturer or wholesaler or distributor. The compensation as set forth on said schedule shall be reasonable.

Section 7. Warranty Obligations To Dealers.

1. Every manufacturer, distributor or wholesaler, factory branch, factory representative, distributor branch or distributor representative shall specify in writing to each of its motor vehicle dealers, the dealer's obligation for warranty service on its products, shall compensate the motor vehicle dealer for warranty service required of the dealer by the manufacturer, distributor or wholesaler, factory branch, factory representative, distributor branch or distributor representative and shall provide the dealer the schedule of compensation to be paid such dealer for parts, work, and service in connection with warranty services, and the time allowance for the performance of such work and service.

2. In no event shall such schedule of compensation fail to include reasonable compensation for diagnostic work, as well as repair service and labor. Time allowances for the diagnosis and performance of warranty work and service shall be reasonable and adequate for the work to be performed. In the determination of what constitutes reasonable compensation under this Section, the principal factors to be given consideration shall be the prevailing wage rates being paid by the dealer, in the community in which the dealer is doing business, and in no event shall such compensation of a dealer for warranty services be less than the rates charged by such dealer for like service to retail customers for non-warranty service and repairs.

3. It is a violation of this Section for any manufacturer, distributor or wholesaler, factory branch, factory representative, distributor branch or distributor representative to fail to perform any warranty obligations under the motor vehicle manufacturer's warranty, or to fail to include in written notices of factory recalls to dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of such defects, or to fail to compensate any of the motor vehicle dealers for repairs effected by such recall.

4. All claims made by new motor vehicle dealers pursuant to this Section for such labor and parts shall be paid within thirty (30) days following their approval; provided, however, that the manufacturer retains the right to audit such claims and to charge back the dealer for any fraudulent claims for a period of two (2) years following payment. All such claims shall be either approved or disapproved within thirty (30) days after their receipt on forms and in the manner specified by the manufacturer, and any claim not specifically disapproved in writing within thirty (30) days after the receipt shall be construed to be approved and payment must follow within thirty (30) days.

Section 8. Warranty Obligations to Consumers. Every manufacturer and new motor vehicle dealer shall fulfill the terms of any express or implied warranty concerning the sale of a new motor vehicle to the public of the line make which is the subject of a contract or franchise agreement between the parties. If it is determined by a court of competent jurisdiction that either the manufacturer or new motor vehicle dealer, or both, have violated an express or implied warranty, the court shall add to any award or relief granted an additional award for reasonable attorney's fees.

Section 9. Transportation Damages.

1. Notwithstanding the terms, provisions or conditions of any agreement or franchise, the new motor vehicle dealer is solely liable for damages to new motor vehicles occurring after acceptance of the new motor vehicle from the carrier and before delivery to the ultimate purchaser.

2. Notwithstanding the terms, provisions or conditions of any agreement or franchise, the manufacturer is liable for all damages to motor vehicles occurring before delivery to a carrier or transporter. If a new motor vehicle dealer determines the method of transportation, the risk of loss passes to the dealer upon delivery of the vehicle to the carrier. In every other instance, the risk of loss remains with the manufacturer until such time as the new motor vehicle dealer or his designee accepts the vehicle from the carrier.

Section 10. Free Association. Every motor vehicle dealer shall have the right of free association with other motor vehicle dealers for any lawful purpose.

Section 11. Remedies. Notwithstanding the terms, provisions or conditions of any dealer agreement or franchise or the terms or provisions of any waiver, and notwithstanding any other legal remedies available, any person who is injured in his business or property by a violation of this Act by the commission of any unfair and deceptive trade practices, or because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this Act, may bring a civil action in a Court of competent jurisdiction in this state to enjoin further violations, to recover the damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

Section 12. Limitation of Actions. Except as otherwise provided in Section 4(3)1, any civil action commenced under the provisions of this Act must be brought within four years after the cause of action has accrued. The cause of action shall not accrue until the discovery by the aggrieved party of the fact or facts constituting a violation of the provisions of this Act.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 15. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Coburn, Cosby, Crow, Daniels, Edwards, Escott, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holmes, Howard, Johnson (R. G.), Kelley, Laird, Letson, Lewis, Minus, Olive, Owens, Parker, Pegues, Penry, Rains, Roberts, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Williams, Willis and Wyatt.

And the bill, H. 503 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (C), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, Manley, Minus, Naramore, Olive, Parker, Patton, Pegues, Penry, Rains, Roberts, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Willis and Wyatt.

—72

Nay: Rep. Williams.

—1

CO-SPONSOR ADDED

Rep. Smith (J) was added as co-sponsor to the bill, H. 503.

And the bill:

S. 392. To consolidate the administration of Athens State College, John C. Calhoun Junior College, and John C. Calhoun Technical College under a single administration.

Was read a third time at length and passed.

Yeas 68; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (W), Crow, Daniels, Dixon, Drinkard, Escott, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Laird, Langford, Letson, McKee, Minus, Moore, Naramore, Olive, Owens, Parker, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams and Wyatt.

—68

Nays: Reps.: Harrison and Rains.

—2

And the bill:

H. 357. To authorize and make provision for the incorporation through the joint action of any county and any single municipality located in such county of one or more public corporations for the purpose of acquiring, maintaining and operating public hospitals and appurtenant facilities in such county; to provide for the election and compensation of directors of any such corporations; to provide for the powers, authorities and duties of any such corporation and its board of directors; to provide for the issuance by any

such corporation for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of any taxes allocated or appropriated to it or revenues from any of its hospital facilities, or any combination of any thereof; to provide that such securities shall be secured by a pledge of the revenues from which they are payable and may be secured by non-foreclosable mortgages and deeds of trust and trust indentures and other agreements respecting the application of its funds and other matters; to provide for the use of the proceeds of any such securities issued by any such corporation; to provide for the refunding by any such corporation of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such corporation pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such corporation eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of any such corporation, and all securities issued by any such corporation and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such corporation is a party, from all taxation in the state; to exempt every such corporation from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such corporation from payment of certain charges to Judges of Probate; to exempt every such corporation from all laws of the State governing usury or prescribing or limiting interest rates; to grant to every such corporation the power of eminent domain; to make applicable to every such corporation certain provisions of Title 22 of the Code of Alabama of 1975 pertaining to the designation of county health agencies and the application of certain county taxes; to make applicable to every such corporation certain provisions of Title 11 of the Code of Alabama of 1975 pertaining to tort claims and judgments against local governmental entities; to authorize any county authorizing the creation of such a corporation and any municipal or public corporation or agency in such county to donate hospital facilities and other property to such corporation; to provide for the disposition of the earnings, if any, of any such corporation; and to provide for the dissolution of any such corporation and the disposition of its property.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Letson, Lewis, McKee, Minus, Naramore, Olive, Parker, Patton, Payne, Pegues, Penry, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Turner, Turnham, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

—72

And the bill:

H. 426. To amend § 33-5-17, Code of Alabama 1975, so as to increase boat registration fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 21.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Brakefield, Campbell, Carothers, Clark (W), Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Greer, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Horn, Kelley, Laird, McKee, Naramore, Owens, Parker, Pegues, Penry, Ray, Riddick, Roberts, Sandusky, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Turner, Turnham, Venable, Williams, Willis, Wyatt and Zoghby.

—49

Nays:

Reps.: Adams (C), Blake, Carter, Cheatwood, Gilmer, Hall, Holley, Howard, Johnson (R. G.), Letson, Lewis, Manley, Minus, Moore, Olive, Patton, Payne, Rains, Smith (J), Ward and Warren.

—21

CO-SPONSORS ADDED

Reps. Drinkard, Brakefield and Grimsley were added as co-sponsors to the bill, H. 426.

And the bill:

H. 427. To limit the liability of landowners toward persons who may be upon those lands that the owners have made available for non-commercial outdoor recreational purposes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, McKee, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—77

Nays: Reps.: Holley and Tucker.

—2

And the bill:

H. 217. (With Amendment): To be known as a Third Party Prescription Program Act, establishing the rights and responsibilities of parties

engaged in third party prescription programs; defining certain terms; providing for notice procedures, cancellation procedures, provisions to be included in contractual agreements pertaining to third party prescription programs; outlining conditions under which payment by the program administrator to the pharmacy may or may not be denied; establishing reimbursement rates; providing exceptions and repealing all conflicting laws.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend House Bill 217, Page 3, Line 26, after the period, by adding the following:

After the effective date of this Act, no third party prescription program shall be instituted, nor shall existing agreement or contract be renewed unless they are in compliance with the provision of this Act.

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark (W), Cosby, Crow, Daniels, Dixon, Edwards, Ford, Gafford, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Kelley, Laird, Lewis, McKee, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Patton, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Williams, Willis and Zoghby.

—65

And the bill, H. 217 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—84

CO-SPONSORS ADDED

Reps. Drinkard and Bennett were added as co-sponsors to the bill, H. 217.

And the bill:

H. 578. To amend Section 36-30-20, Code of Alabama 1975, which defines the term state trooper for compensation for death or disability from occupational diseases, so as to include conservation enforcement officers within said definitions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Howard, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Williams, Wyatt and Zoghby.

—79

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 578:

Reps.: Adams (H), Bennett, Blake, Brakefield, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Dial, Drinkard, Ford, Greer, Grimsley, Harper (O), Harvey, Johnson (R. G.), Minus, Mitchell, Naramore, Olive, Rains, Ray, Seibels, Shavers, Shoemaker, Smith (J), Turner, Warren, Williams and Wyatt.

And the bill:

H. 40. To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of hotel owners, so as to provide that the hotel owners be required to install a smoke detector in each hotel room.

As amended and temporarily postponed on the twelfth legislative day, was taken up.

AMENDMENT OFFERED

Rep. Patton offered the following amendment to the bill, H. 40 as amended:

Amend Substitute H. B. 40, page 1, sub-section § 34-15-4., line 36 after the word "hotel" by adding the following:

constructed after October 1, 1981

AMENDMENT TABLED

On motion of Rep. Smith (J), the amendment offered by Rep. Patton was tabled.

Yeas 63; Nays 11.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Bennett, Biddle, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Daniels, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Harrison, Harvey, Holley, Holmes, Horn, Johnson (Roy), Kelley, Kennedy, Langford, Lewis, McKee, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Penry, Riddick, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Waggoner, Ward, Warren, Whatley, Wyatt and Zoghby.

—63

Nays:

Reps.: Cosby, Dial, Howard, Laird, Letson, Nevett, Patton, Payne, Pegues, Roberts and Starkey.

—11

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolutions, your signature thereto is requested.

S. J. R. 70. COMMENDING THE PATRICIAN ACADEMY SAINTS ON THEIR BASKETBALL CHAMPIONSHIP, DISTRICT II, OF THE ALABAMA PRIVATE SCHOOL ASSOCIATION.

Also:

S. J. R. 71. DESIGNATING MAY 12, 1981, AS "LAW ENFORCEMENT OFFICERS APPRECIATION DAY" IN ALABAMA.

Also:

S. J. R. 76. COMMENDING VERN SCOTT ON HIS MANY PUBLIC ENDEAVORS AND DECLARING MARCH 20, 1981 AS "VERN SCOTT DAY" IN THE STATE OF ALABAMA.

Also:

S. J. R. 78. COMMENDING MRS. ELIZABETH JOHNSON FOR OUTSTANDING SERVICE WITH THE AMERICAN RED CROSS AND AS PIKE COUNTY'S WOMAN OF THE YEAR.

Also:

S. J. R. 79. CONGRATULATING AND COMMENDING CHARLES HENDERSON HIGH SCHOOL, STATE 3A 1980 FOOTBALL CHAMPIONS.

Also:

S. J. R. 80. COMMENDING COACH JAY JEFCOAT OF CHARLES HENDERSON HIGH SCHOOL, TROY, ALABAMA.

Also:

S. J. R. 82. CONGRATULATING THE PATRICIAN ACADEMY STATE FOOTBALL CHAMPIONS, ALABAMA PRIVATE SCHOOL ASSOCIATION.

Also:

S. J. R. 81. COMMENDING THE CHARLES HENDERSON HIGH SCHOOL BAND.

Also:

S. J. R. 84. HONORING MR. GEORGE LINDSEY.

Also:

S. J. R. 85. HONORING MR. JAMES MURRAY CARTER UPON HIS RETIREMENT FROM THE DEPARTMENT OF INDUSTRIAL RELATIONS.

Also:

S. J. R. 88. COMMENDING THE SIXTH AVENUE BAPTIST CHURCH OF BIRMINGHAM, ALABAMA, ON THE 100th ANNIVERSARY OF ITS FOUNDING.

Also:

S. J. R. 89. COMMENDING FIVE MONROE COUNTY INDUSTRIES FOR DONATING A TOTAL OF \$100,000 TOWARDS THE COST OF A PRELIMINARY STUDY FOR A NEW BRIDGE AT CLAIBORNE OVER THE ALABAMA RIVER.

Also:

S. J. R. 90. POSTHUMOUSLY HONORING VELMA WRIGHT IRONS AS A NATIONALLY RECOGNIZED EDUCATOR AND FOUNDER OF THE FIRST PUBLIC CLASS FOR VISUALLY HANDICAPPED CHILDREN IN THE ALABAMA PUBLIC SCHOOL SYSTEM, AND ENDORSING HER NOMINATION FOR INDUCTION INTO THE ALABAMA WOMEN'S HALL OF FAME.

Also:

S. J. R. 91. COMMENDING THE PINSON VALLEY WRESTLING TEAM FOR WINNING ITS SECOND STRAIGHT 3A STATE WRESTLING CHAMPIONSHIP.

Also:

S. J. R. 92. EXTENDING WISHES FOR AN EARLY AND COMPLETE RECOVERY FOR OUR COLLEAGUE, REPRESENTATIVE BROOKS HINES.

Also:

S. 154. To propose an amendment to the Constitution of Alabama of 1901 to exclude revenue bonds of a county issued to extend, enlarge or improve any water, sewer, gas or electric system from the debt limitation of Section 224 and Amendment No. 342 and the election requirement of Section 222 of the Constitution.

McDONALD LEE,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 40 RESUMED

AMENDMENT OFFERED

Rep. Rains offered the following amendment No. 1 to the bill, H. 40 as amended:

On page 1, in the title on line 24, strike the period and insert:

; and to require hotel owners to place lightning arrestors atop all hotels and to prescribe criminal penalties for violations.

On page 2, in Section 1, after line 16 insert:

(e) Every owner, manager or operator of a hotel shall install lightning arrestors atop all hotels. Any person who violates this provision shall be guilty of a Class C misdemeanor as defined in Title 13A, Code of Alabama 1975.

AMENDMENT TABLED

On motion of Rep. Smith (J), the amendment No. 1 offered by Rep. Rains to the bill, H. 40 as amended, was tabled.

Yeas 38; Nays 19.

Yeas:

Mr. Speaker, Adams (H), Carter, Cates, Clark (W), Daniels, Drinkard, Escott, Ford, Gafford, Greer, Hall, Harvey, Holley, McKee, Mitchell, Moore, Naramore, Olive, Owens, Parker, Penry, Ray, Riddick, Seibels, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Willis and Wyatt.

—38

Nays:

Reps.: Cheatwood, Cosby, Crow, Dial, Gilmer, Hammett, Johnson (R), Laird, Langford, Letson, Manley, Nevett, Patton, Payne, Pegues, Reed, Roberts, Shoemaker and Starkey.

—19

AMENDMENT OFFERED

Rep. Rains offered the following amendment No. 2 to the bill, H. 40 as amended:

On page 1, at the end of the title, on line 24, strike the period and insert the following:

; and to require hotel owners to place anti-slipping rubber strips in all bathtubs and shower stalls and to prescribe penalties for violation.

On page 2, in Section 1, after line 16 insert:

(e) Every owner, manager, or operator of a hotel shall install anti-slipping rubber strips in all bathtubs and shower stalls. Any person who violates this provision shall be guilty of a Class C misdemeanor as defined in Title 13A, Code of Alabama 1975.

AMENDMENT TABLED

On motion of Rep. Smith (J), the amendment No. 2 offered by Rep. Rains to the bill, H. 40 as amended, was tabled.

Yeas 42; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Carter, Clark (G), Clark (W), Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Gregg, Harper (T), Holley, Kelley, McKee, Mitchell, Moore, Naramore, Olive, Owens, Parker, Riddick, Sasser, Seibels, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

—42

Nays:

Reps.: Brakefield, Cheatwood, Cosby, Dial, Hall, Harper (O), Holmes, Johnson (Roy), Laird, Lewis, Manley, Nevett, Patton, Payne, Pegues, Shavers, Shoemaker, Starkey, Stout, Tucker and Whatley.

—21

AMENDMENT OFFERED

Rep. Rains offered the following amendment No. 3 to the bill, H. 40 as amended:

On page 1, at the end of the title, on line 24 strike the period and insert the following:

; and to require hotel owners to place a tornado warning system in each room capable of informing guests of approaching tornadoes, and to provide criminal penalties for violation.

On page 2, in Section 1, after line 16 insert:

(e) Every owner, manager or operator of a hotel shall install a tornado warning system in each room capable of informing guests of an approaching tornado. Any person who violates this provision shall be guilty of a Class C misdemeanor as defined by Title 13A, Code of Alabama 1975.

AMENDMENT TABLED

On motion of Rep. Smith (J), the amendment No. 3 offered by Rep. Rains to the bill, H. 40 as amended, was tabled.

Yeas 53; Nays 19.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Campbell, Cates, Clark (G), Daniels, Dixon, Drinkard, Edwards,

Escott, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harrison, Holley, Kelley, Kennedy, Letson, Lewis, McKee, Mitchell, Naramore, Olive, Owens, Penry, Riddick, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—53

Nays:

Reps.: Brakefield, Cheatwood, Cosby, Dial, Ford, Gafford, Holmes, Johnson (Roy), Laird, Langford, Manley, Nevett, Patton, Payne, Pegues, Rains, Reed, Starkey and Tucker.

—19

AMENDMENT OFFERED

Rep. Rains offered the following amendment No. 4 to the bill, H. 40 as amended:

On page 1, at the end of the title, on line 24, strike the period and insert the following:

; and to prohibit hotel owner from placing matches within each room, and to prescribe penalties for violations.

On page 2, in Section 1, after line 16, insert:

(e) Every owner, manager or operator of a hotel is hereby prohibited from placing matches within each guests' room. Any person who violates this provision, shall be guilty of a Class C misdemeanor as defined by Title 13A, Code of Alabama 1975.

AMENDMENT TABLED

On motion of Rep. Smith (J), the amendment No. 4 offered by Rep. Rains to the bill, H. 40 as amended, was tabled.

Yeas 51; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Campbell, Cates, Clark (G), Dixon, Drinkard, Edwards, Escott, Gilmer, Greer, Gregg, Grimsley, Hall, Harper (O), Harper (T), Holley, Johnson (R. G.), Kelley, Kennedy, Letson, Lewis, McKee, Mitchell, Naramore, Olive, Owens, Parker, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—51

Nays:

Reps.: Brakefield, Cheatwood, Cosby, Daniels, Dial, Holmes, Johnson (Roy), Laird, Langford, Manley, Nevett, Patton, Payne, Pegues, Penry, Ray, Reed, Smith (C), Starkey, Tucker and Whatley.

—21

AMENDMENT OFFERED

Rep. Rains offered the following amendment No. 5 to the bill H. 40, as amended:

On page 1, in the title, on line 22 after the word "owners" insert:
and boarding house owners

On page 1, in Section 1, on line 36, after the word "hotel" insert:
or boarding house which rents rooms on a commercial basis

On page 2, in Section 1, on line 6 after the word "room" insert:
or boarding house room

On page 2, in Section 1, on line 8 after the word "Hotel" insert:
or boarding house

On page 2, in Section 1, on line 14 after the word "hotel" insert:
or boarding house

AMENDMENT TABLED

On motion of Rep. Smith (J), the amendment No. 5 offered by Rep. Rains to the bill, H. 40 as amended, was tabled.

Yeas 46; Nays 19.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Campbell, Clark (G), Dixon, Drinkard, Edwards, Gilmer, Greer, Grimsley, Hall, Harper (O), Holley, Johnson (R. G.), Lewis, McKee, Mitchell, Naramore, Olive, Owens, Parker, Ray, Sasser, Seibels, Shavers, Shoemaker, Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—46

Nays:

Reps.: Brakefield, Cheatwood, Cosby, Dial, Gregg, Holmes, Johnson (Roy), Kennedy, Laird, Langford, Manley, Nevett, Patton, Payne, Pegues, Riddick, Smith (C), Starkey and Tucker.

—19

AMENDMENT OFFERED

Rep. Rains offered the following amendment No. 6 to the bill, H. 40 as amended:

In the title, on lines 22 and 23, strike the words "to install and maintain smoke detectors in their rooms," and substitute in lieu thereof:

to have available for rent a smoke detector for each guests' room,

In Section 1, on page 1, delete lines 36 through 38 in their entirety and on page 2, delete lines 6 through 11 in their entirety and substitute in lieu thereof:

(b) Every owner, manager, or operator of a hotel shall have available for rent a smoke detector. There shall be sufficient smoke detectors so that each room may have one. The detectors shall have received the approval of a nationally recognized testing organization.

On page 2, in Section 1, on line 12, strike the letter "(d)" and insert:

(c)

AMENDMENT TABLED

On motion of Rep. Smith (J), the amendment No. 6 offered by Rep. Rains to the bill, H. 40 as amended, was tabled.

Yeas 52; Nays 13.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Cabaniss, Campbell, Cates, Clark (G), Daniels, Dixon, Drinkard, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holley, Johnson (R. G.), Kennedy, Lewis, McKee, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Penry, Riddick, Sasser, Seibels, Shavers, Shoemaker, Smith (M), Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Ward, Warren, Willis and Wyatt.

—52

Nays:

Reps.: Brakefield, Cheatwood, Cosby, Dial, Holmes, Johnson (Roy), Laird, Langford, Manley, Patton, Pegues, Smith (C) and Starkey.

—13

AMENDMENT OFFERED

Rep. Rains offered the following amendment No. 7 to the bill, H. 40 as amended:

Amend H. B. 40 on page 2, Section 1, after line 16 by adding the following:

(e) The Downtowner Motel in Montgomery shall be required to install Cable Television to all rooms in said Motel and to have all channels available in Montgomery so installed.

AMENDMENT TABLED

On motion of Rep. Smith (J), the amendment No. 7 offered by Rep. Rains to the bill, H. 40 as amended, was tabled.

Yeas 43; Nays 25.

Yeas:

Mr. Speaker, Adams (H), Albright, Bennett, Cabaniss, Cates, Clark (W), Dixon, Drinkard, Escott, Ford, Gregg, Grimsley, Hall, Harper (O), Harrison, Holley, Howard, Johnson (R. G.), McKee, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Rains, Riddick, Sasser, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren and Wyatt.

—43

Nays:

Reps.: Adams (C), Barton, Bedsole, Brakefield, Carothers, Clark (G), Cosby, Crow, Dial, Gilmer, Harper (T), Holmes, Johnson (Roy), Laird, Langford, Letson, Manley, Patton, Payne, Pegues, Roberts, Starkey, Williams, Willis and Zoghby.

—25

MOTION TO ADJOURN LOST

The motion offered by Rep. Pegues that the House adjourn until 11:00 o'clock a.m., Thursday, March 26, 1981, was lost.

H. 40 RESUMED

And the bill:

H. 40. To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of a hotel owner, to require hotel owners to install and maintain smoke detectors in their rooms, to further provide for criminal penalties for removing said smoke detectors.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 5.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Langford, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Parker, Patton, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Tucker, Venable, Ward, Warren, Williams and Wyatt.

—68

Nays: Reps.: Cosby, Laird, Payne, Pegues and Penry.

—5

CO-SPONSORS ADDED

Reps. Rains and Holmes were added as co-sponsors to the bill, H. 40.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. J. R. 177. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That House Joint Resolution No. 132 is hereby rescinded.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Manley offered the motion to suspend the rules and adopt the resolution, H. J. R. 177.

MOTION TO POSTPONE TABLED

On motion of Rep. Manley, the motion offered by Rep. Tucker to postpone consideration of the resolution, H. J. R. 177, to the fourteenth legislative day, was tabled.

Yeas 71; Nays 7.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cosby, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Williams, Wyatt and Zoghby.

—71

Nays:

Reps.: Buskey, Cheatwood, Clark (W), Escott, Harrison, Horn and Nevett.

—7

The question was again on the motion offered by Rep. Manley to suspend the rules and adopt the resolution, H. J. R. 177.

DIVISION OF THE QUESTION

Rep. Tucker called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES ADOPTED

The question was then on the motion offered by Rep. Manley to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 177, and the motion was adopted.

Yeas 70; Nays 12.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Daniels, Dial, Dixon, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, Lewis, McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—70

Nays:

Reps.: Buskey, Cheatwood, Clark (W), Escott, Harrison, Holmes, Horn, Kennedy, Langford, Nevett, Rains and Tucker.

—12

RESOLUTION ADOPTED

The question was then on the motion offered by Rep. Manley to adopt the resolution, H. J. R. 177, and the resolution was adopted.

Yeas 74; Nays 10.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, Lewis, McKee, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—74

Nays:

Reps.: Buskey, Clark (W), Escott, Harrison, Holmes, Horn, Kennedy, Langford, Nevett and Reed.

—10

MOTION TO ADJOURN LOST

The motion offered by Rep. Tucker that the House adjourn, was lost.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Manley, the rules were suspended in order to dispense with the reading of bills at length on their first reading.

Yeas 69; Nays 8.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Cates, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

Nays:

Reps.: Cheatwood, Escott, Harrison, Holmes, Horn, Kennedy, Langford and Nevett.

—8

SPECIAL ORDER RESUMED

And the bill:

H. 496. To amend Section 36-27-23, Code of Alabama 1975, which provides for the membership of the board of control of the state employees' retirement system, so as to provide further for said membership.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Johnson (R. G.), Johnson (Roy), Langford, Letson, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Reed, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—78

MOTION TO ADJOURN LOST

The motion offered by Rep. Dixon that the House adjourn was lost.

SPECIAL ORDER RESUMED

And the bill:

H. 261. To propose an amendment to the Constitution of Alabama of 1901, to prohibit the state, counties, municipalities or other public bonding authorities in this state from issuing tax exempt bonds for the construction or development of any establishment engaged primarily in retail sales of products or services to the general public.

As amended and temporarily postponed on the eleventh legislative day, was taken up.

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 261 as amended:

Amend Substitute to H. B. 261, page 2, line 28, after the word "individual." by adding the following new Section 2 and renumbering subsequent sections accordingly; Section 2 to read as follows:

Section 2. A project which would be prohibited by the foregoing Section (1) is nonetheless permissible if (a) the project is otherwise provided for

by law and is located in a predominantly commercial area for which a commercial area revitalization or urban redevelopment plan has been adopted by the governing body of a municipality and the project is consistent with the plan, so long as the purposes of the plan are to arrest and reverse the deterioration of older commercial centers which results from the movement of commercial enterprises to previously non-commercial areas; (b) the project is otherwise authorized by law to be undertaken by any county or municipal hospital board, hospital corporation, hospital authority, or medical clinic board; or (c) the project is otherwise authorized by law to be undertaken by a historical preservation authority.

SUBSTITUTE AMENDMENT OFFERED

Rep. Cabaniss offered the following substitute amendment to the amendment offered by Rep. Venable to the bill, H. 261 as amended:

Amend the Substitute to H. B. 261 on page 2, section 1, line 5, by adding after the word "notwithstanding," the following:

"except as hereinafter provided,"

And, further amend the substitute for H. B. 261, on page 2, section 1, line 31, by adding after the word "individual" the following:

"This constitutional amendment shall not be applicable (i) to any municipal or county hospital board or (ii) to any public corporation heretofore or hereafter created pursuant to, or existing under the provisions of any of the following:

"(A) Act No. 80-648 enacted at the 1980 Regular Session of the Legislature of Alabama, as it now exists or as it may hereafter be amended.

(B) Act No. 516 enacted at the 1955 Regular Session of the Legislature of Alabama, as it now exists or as it may hereafter be amended, or

(C) Act No. 79-441 enacted at the 1979 Regular Session of the Legislature of Alabama, as it now exists or as it may hereafter be amended."

SUBSTITUTE AMENDMENT TABLED

On motion of Rep. Venable, the substitute amendment offered by Rep. Cabaniss, was tabled.

Yeas 44; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Blake, Brakefield, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Edwards, Ford, Gilmer, Greer, Grimsley, Hall, Hammett, Harper (O), Harvey, Holley, Laird, McKee, Manley, Mitchell, Naramore, Parker, Pegues, Rains, Riddick, Roberts, Shavers, Smith (C), Starkey, Stout, Venable, Ward, Whatley, Williams, Willis and Wyatt.

—44

Nays:

Reps.: Buskey, Cabaniss, Cheatwood, Dixon, Drinkard, Escott, Gafford, Grouby, Harrison, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Moore, Nevett, Olive, Seibels, Stewart and Tucker.

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SUBSTITUTE AMENDMENT OFFERED

Rep. Holley offered the following substitute amendment No. 1 to the amendment offered by Rep. Venable to the bill, H. 261 as amended:

Amend Substitute to H. B. 261, Page 2, line 28, after the word "individual" by adding the following new Section 2 and renumbering subsequent sections accordingly; Section 2 to read as follows:

Section 2. A project which would be prohibited by the foregoing Section (1) is nonetheless permissible if (a) the project is otherwise provided for by law and is located in a predominantly commercial area for which a commercial area revitalization or urban redevelopment plan has been adopted by the governing body of a municipality and the project is consistent with the plan, so long as the purposes of the plan are to arrest and reverse the deterioration of older commercial centers which results from the movement of commercial enterprises to previously non-commercial areas; or (b) the project is otherwise authorized by law to be undertaken by a historical preservation authority.

SUBSTITUTE AMENDMENT TABLED

On motion of Rep. Dixon, the substitute amendment No. 1 offered by Rep. Holley was tabled.

Yeas 35; Nays 32.

Yeas:

Reps.: Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Cabaniss, Cates, Cosby, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Grouby, Hall, Harrison, Holmes, Howard, Kelley, Nevett, Payne, Pegues, Sandusky, Seibels, Smith (C), Starkey, Stewart, Turnham, Waggoner, Warren, Willis and Zoghby.

—35

Nays:

Reps.: Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Daniels, Gafford, Greer, Grimsley, Harvey, Holley, Johnson (Roy), Letson, McKee, Moore, Olive, Parker, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shavers, Stout, Venable, Ward, Whatley, Williams and Wyatt.

—32

The question was again on the amendment offered by Rep. Venable to the bill, H. 261 as amended.

SUBSTITUTE AMENDMENT OFFERED

Rep. Holley offered the following substitute amendment No. 2 to the amendment offered by Rep. Venable to the bill, H. 261 as amended:

Substitute Amendment to Substitute H. B. 261 in Section 2 by inserting after the words "medical clinic board;" the following "provided that in the event that hospital or medical clinic is purchased by any entity that operates for profit the amount of state and/or local taxes waived as a result of the issuance of tax-exempt bonds shall be paid in full by the lessor or purchaser to the proper taxing authorities."

SUBSTITUTE AMENDMENT TABLED

On motion of Rep. Venable, the substitute amendment No. 2 offered by Rep. Holley to the amendment offered by Rep. Venable to the bill, H. 261 as amended, was tabled.

Yeas 60; Nays 22.

Yeas:

Reps.: Adams (C), Adams (H), Bedsole, Blake, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Grouby, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Manley, Minus, Nevett, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—60

Nays:

Reps.: Albright, Bowling, Brakefield, Carothers, Coburn, Gafford, Gregg, Grimsley, Hall, Holley, Johnson (Roy), Letson, McKee, Moore, Naramore, Payne, Riddick, Sasser, Smith (M), Trammell, Williams and Wyatt.

—22

MOTION TO ADJOURN LOST

The motion offered by Rep. Holley that the House adjourn was lost.

H. 261 RESUMED

The question was again on the amendment offered by Rep. Venable to the bill, H. 261 as amended.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Holley to indefinitely postpone further consideration of the bill, H. 261 as amended and with pending amendment, was lost.

Yeas 13; Nays 61.

Yeas:

Mr. Speaker, Albright, Bowling, Coburn, Gafford, Holley, Johnson (Roy), McKee, Moore, Reed, Sasser, Trammell and Wyatt.

—13

Nays:

Reps.: Adams (C), Adams (H), Amari, Bedsole, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cosby, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Horn, Laird, Langford, Lewis, Manley, Minus, Mitchell, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—61

AMENDMENT ADOPTED

The question was again on the amendment offered by Rep. Venable to the bill, H. 261 as amended, and the amendment was adopted.

Yeas 61; Nays 13.

Yeas:

Reps.: Adams (C), Adams (H), Amari, Bedsole, Blake, Boles, Cabaniss, Carter, Cates, Cheatwood, Clark (W), Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Horn, Johnson (R. G.), Laird, Langford, Lewis, Manley, Minus, Nevett, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Seibels, Shavers, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Turner, Venable, Waggoner, Warren, Whatley, Willis, Wyatt and Zoghby.

—61

Nays:

Reps.: Albright, Carothers, Coburn, Greer, Grimsley, Holley, Howard, Johnson (Roy), McKee, Moore, Parker, Sasser and Williams.

—13

AMENDMENT OFFERED

Rep. Dixon offered the following amendment to the bill, H. 261 as amended:

Amend the Substitute for House Bill No. 261 as follows:

By adding the following after the word, "thereof", on line 19, page 2:

Unless such bond, warrant, certificate of indebtedness, note, or other similar security or obligation exceeds Seven Hundred Fifty Thousand Dollars (\$750,000.00).

AMENDMENT TABLED

On motion of Rep. Venable, the amendment offered by Rep. Dixon to the bill, H. 261 as amended, was tabled.

Yeas 72; Nays 7.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Bedsole, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Edwards, Gafford, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Holley, Horn, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Lewis, McKee, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Turnham, Venable, Ward, Warren, Williams, Willis and Zoghby.

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Nays:

Reps.: Dixon, Drinkard, Johnson (Roy), Letson, Trammell, Waggoner and Wyatt.

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CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:55 P.M. on March 24, 1981.

H. 31.

H. 171.

H. 510.

H. J. R. 166.

H. J. R. 169.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Biddle and pursuant to the resolution, H. R. 170, heretofore adopted, the House adjourned until 11:00 o'clock a.m., Thursday, March 26, 1981.

FOURTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, March 26, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Fred E. Zeigler, Jr., Minister, Hope Hull United Methodist Church, Hope Hull, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards,

Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirteenth legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the thirteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirteenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. McMillan, leave of absence was granted for Rep. Hines due to illness.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 173. COMMENDING ROY O. "BUDDY" GILLILAND, ROCKFORD, ALABAMA.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Manley:

H. R. 178. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, March 26, 1981, we adjourn to meet again on Tuesday, March 31, 1981, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 178, was adopted.

Also:

By Rules Committee:

H. R. 179. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business March 26, 1981, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

Unfinished Business

By Rep. Venable:

H. 261 p. 36 C/Amendment, prohibits tax exempt bonds

By Rep. Venable:

H. 259 p. 36 Prohibits issuing bonds exempt from taxes

By Rep. Venable:

H. 260 p. 36 Report bonds to Securities Commission

By Rep. Venable:

H. 262 p. 37 10-year limit, bond exemption

By Rep. McMillan:

H. 585 p. 88 Prohibits dune buggies

By Rep. Biddle:

H. 651 p. 3S Water works systems

By Rep. Harvey:

H. 39 p. 67 Election officials

By Rep. Shoemaker:

H. 215 p. 12 Medical Examiners, investigators

By Rep. Adams (C):

H. 425 p. 82 Competitive bid law

By Rep. Ray:

H. 414 p. 45 Collection of debts owed to the state

By Rep. Sandusky:

H. 305 p. 43 Bar pilots

By Rep. Biddle:

H. 502 p. 9S Bone marrow, minors to consent to transplantation

By Rep. Gafford:

H. 483 p. 38 State Treasurer

By Rep. Minus:

H. 499 p. 77 Alcohol license fees

By Rep. Waggoner:

H. 166 p. 38 Appointment of bank investigators

By Rep. Kelley:

H. 547 p. 85 Unemployment benefits

By Rep. Smith (C):

H. 473 p. 53 C/A, swine promotion

By Rep. Letson:

H. 474 p. 53 C/A, soybean promotion

By Rep. Smith (C):

H. 498 p. 52 Beef promotion

By Rep. Payne:

H. 482 p. 83 Sale or leasing of public lands

By Rep. Cabaniss:

H. 239 p. 50 Department of Insurance

By Rep. Naramore:

H. 178 p. 45 Abandoned mines

By Rep. Cates:

H. 549 p. 78 Rate of interest

By Rep. Penry:

H. 527 p. 52 Grain dealers

By Rep. Edwards:

H. 154 p. 19 Small municipalities, competitive bids

By Rep. Drinkard:

H. 375 p. 3S Alabama Unemployment

By Rep. Barton:

H. 227 p. 28 Ad valorem taxes

By Rep. Johnson (R. G.):

H. 216 p. 34 Drug identification

By Rep. Zoghby:

H. 186 p. 97 Protection from abuse act

By Rep. Kelley:

H. 545 p. 84 Oil and gas production tax

By Rep. Kelley:

H. 546 p. 84 Oil and gas severance tax

By Rep. Sasser:

H. 363 p. 74 Parole officers to join annuity

By Rep. Smith (J):

H. 369 p. 28 County governing bodies

By Rep. Gafford:

H. 287 p. 12 Small loan companies

By Rep. Whatley:

H. 689 p. 14S Utility abandoning service

On motion of Rep. Biddle, the resolution, H. R. 179, was adopted.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 708. (With Amendments): To amend § 16-25-21, Code of Alabama 1975, to require that all city and county boards of education shall pay the employer cost for retirement for all salaries paid by such boards of education which are not included in the Minimum Program Fund.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 709. Providing for a decrease in the 1980-81 appropriation to the teachers' retirement system; setting this amount aside in a special account in the state treasury to be held for future use by the legislature in making the appropriation for the 1981-82 fiscal year to the teachers' retirement system.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 631. (With Substitute) (With Amendments): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 632. (With Substitute): To make appropriations for the support and maintenance of the Marion Military Institute.

H. 633. (With Substitute): To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

H. 634. (With Substitute): To make appropriations for the support and maintenance of the Talladega College.

H. 635. (With Substitute): To make appropriations for the support and maintenance of the Walker County Junior College.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 776. To make appropriations for the support and maintenance of the Tuskegee Institute.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 622. (With Substitute): To establish the Recreation and Heritage Fund; to define terms used in this Act; to establish the procedures for assisting state, county and municipal agencies in planning, acquiring and developing recreational, historical, cultural and natural resources; and to provide for the administration of the Recreation and Heritage Fund program by the Department of Conservation and Natural Resources.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 693. To amend Section 13A-6-45, Code of Alabama 1975, relating to interference with child custody, so as to alter the criminal penalty for violating said section.

H. 408. To amend Section 6-2-3 of the Code of Alabama 1975, so as to extend the time allowed a party for prosecuting actions seeking relief on the ground of fraud.

H. 559. To amend Section 26-14-1, Code of Alabama 1975, relating to the reporting of abuse or neglect of children, so as to explicitly add the terms "sexual exploitation" or "attempted sexual exploitation" to the definition of child abuse and to explicitly define the terms "sexual abuse" and "sexual exploitation."

H. 723. The purpose of this bill is to amend § 12-16-34, Code of Alabama 1975, which section relates to the compensation of members of the jury commission; to provide that the amount of compensation to which a member of the jury commission is entitled shall be paid by the state upon the certification of the chairman of the jury commission.

H. 724. To provide for commitment hearings to determine whether defendants acquitted of crimes by reason of insanity should be involuntarily committed to the Alabama state department of mental health; to provide for initial detention of the defendants prior to the final hearings; and to provide for the commitment of such persons.

H. 763. To establish the Right to Privacy in Divorce Act and to provide that in divorce and child custody proceedings, certain files shall be kept confidential.

S. 219. To amend § 12-19-150, Code of Alabama 1975, to provide that in the interest of justice a judge may, in his discretion enter an order dismissing a case prior to trial, conditioned upon payment of the docket fee and other court costs; and to provide an effective date.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 691. (With Substitute): Relating to the 15th judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 379. This act shall repeal sections 20-2-70 and 20-2-73; shall amend section 20-2-72; and shall provide for the following:

General provisions; definitions; unlawful distribution of a controlled substance in the first degree; unlawful distribution of a controlled substance in the second degree; possession of a controlled substance; possession of marijuana for personal use; possession of a counterfeiting device; forfeitures and seizures; repealing numerous specific code sections that conflict herewith as well as all other laws that conflict with this act; to set the effective date; and to provide for severability.

S. 104. To extend the statute of limitations in regard to violations of the competitive bid laws.

H. 623. To amend Section 19-3-1, Code of Alabama 1975, which provides for the creation of trusts for the support of relatives, so as to provide further for said trusts.

S. 68. To amend Sections 27-3-11, 27-6-3, 27-27-29 and 27-41-4, Code of Alabama 1975, to permit the use of clearing corporations and book-entry in connection with deposits and investments, and to permit the assets to be reflected on the books of clearing corporations and composed of book-entries.

S. 116. To amend Section 4-3-47 of the Code of Alabama 1975, relating to airport authorities, so as to further provide for the powers of such authorities.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 21. To amend Section 28-3-266, Code of Alabama 1975, in order to raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages.

H. 717. To amend section 32-5A-171, Code of Alabama 1975, relating to speed limits so as to prescribe further for the speed limits on 4 lane and interstate highways.

H. 741. To amend Section 3 (f), Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 3(a)(9), Title 28, Code of Alabama 1975 and Section 11, Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 11, Title 28, Code of Alabama 1975 to further define a lounge retail liquor license.

H. 725. To require the Alabama Alcoholic Beverage Control Board to continue purchasing a quantity of its inventory in the form of alcoholic beverages in miniature containers for distribution to retailers; to restrict liquor licensees to certain purchases of alcoholic beverages; to prescribe the manner such beverages shall be served to the consumer; and to prescribe penalties.

H. 211. To provide that prisoners of war shall be entitled to the issuance of special license plates.

H. 479. To prevent a public hospital from granting extra compensation to any officer or employee of the hospital or any contractor from receiving extra compensation after a service has been rendered or a contract made and to prevent an increase or decrease of compensation of officers during a term of office; nor shall a public hospital have authority to lend its credit or grant public money or thing of value to any individual, association, corporation, official or employee.

H. 699. To amend sections 34-31-1, 34-31-3, 34-31-5, 34-31-7, 34-31-8, 34-31-9, 34-31-12, 34-31-15, and 34-31-16 of the 1978 supplement to the 1975 Code of Alabama so as to:

- (1) Clarify the definition of Regulated Contractor.
- (2) Exclude Professional Engineers, Professional Architects and certain Registered Contractors from this regulation.
- (3) Regulate roofing contractors involved in commercial roofing only.
- (4) Make the language of the Chapter consistent throughout.
- (5) Change the renewal date for Certification.
- (6) Change the number of required board meetings from monthly to bi-monthly.
- (7) Define a license and permit bond.
- (8) Allow for travel expense for board members.

H. 727. Relating to the Twenty-seventh judicial circuit; to authorize circuit judges in such circuit to transfer venue in civil and criminal trials from one courthouse to another within said circuit regardless of whether the defendant waives venue rights.

H. 728. Relating to the Twenty-seventh Judicial Circuit, to change the present jury strike system to a one strike system in trials by jury for misdemeanors or felonies not punished capitally or upon appeals to the circuit courts from lower courts.

S. 29. To amend Section 34-15-4, Code of Alabama 1975, relating to the duties of a hotel owner, to require hotel owners to install and maintain smoke detectors in their rooms, to further provide for criminal penalties for removing said smoke detectors.

H. 478. To amend Section 36-26-17 of the Code of Alabama 1975, so as to increase the number of eligibles in appointing authority may have to consider in filling vacancies by appointment from eligible registers.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 732. (With Substitute): Relating to corporations and associations; to amend Title 10, Article 6, Code of Alabama of 1975, which provides for the organization and operation of health care service plans; to amend the heading to § 10-4-109 of Code of Alabama of 1975 to read "Regulation of rates, charges, fees, dues and reimbursements"; to identify the existing § 10-4-109 of Code of Alabama of 1975 as paragraph (a); and to add a new paragraph (b) to § 10-4-109 of Code of Alabama of 1975 to provide for reimbursement to health care facilities based on charges rather than costs.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, was read a second time and placed on the Calendar, to wit:

H. 581. To amend Section 34-9-7 of the Code of Alabama 1975 relating to the licensing and regulation of dentists and dental hygienist: so as to further provide that dentists, dental hygienists and other personnel employed by any public health service which performs dental health care for the general public under programs funded in whole or part, by the state or federal government shall be subject to all of the provisions of Title 34, Chapter 9 and the rules and regulations duly promulgated by the Board of Dental Examiners governing the practice of dentistry and dental hygiene in this state.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 734. (With Amendment): Relating to the functions of the Alabama Board of Funeral Services to amend Sections 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131, Code of Alabama 1975, so as to authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; allow board to increase annual renewal fees for funeral directors and embalmers up to \$25.00 and up to \$100.00 for operators; provide penalties of up to \$25.00 for lapsed licenses; allow board to increase application fees for funeral directors and embalmers up to \$100.00; require board to charge \$75.00 for second or subsequent inspections of prospective licensed establishments; allow board to increase application fee for funeral establishments up to \$300.00; lower minimum age and educational requirements for funeral director or embalmer apprentices; allow the board to increase apprentice fees up to \$20.00; and to require apprentice time to be supervised.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and was read a second time and placed on the Calendar, to-wit:

H. 747. To amend Section 11-89A-8, Code of Alabama 1975, which provides for the formation of solid waste facilities by counties and municipalities, so as to prohibit said facilities from bidding or paying compensation for solid waste or recyclables being privately processed.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 742. To provide labeling requirements and marketing procedures for products containing honey; and to provide penalties for violation.

Rep. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 386. To exempt from the requirements of the Alabama Child Labor Act, Chapter 8, Title 25, Code of Alabama 1975, as amended, time and hour restrictions for children under 16 and the requirement for securing employment and age certificates by persons under 17 who are employed as actors or performers and to set forth protective employment conditions for such children under the age of 16.

H. 666. To amend section 34-24-230 of the Code of Alabama 1975 relating to definitions as used in the regulation of podiatry, so as to amend further certain definitions.

Rep. Venable, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 30. (With Amendment): To amend Section 17-7-5.1 of the Code of Alabama 1975 so as to provide further for the time of holding elections in this state.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 143. To amend Section 11-42-21, Code of Alabama, 1975, which section provides additional alternative procedures whereby incorporated municipalities with populations of 2,000 or more may alter their corporate limits, so as to provide a procedure for altering the corporate boundaries of such incorporated municipalities in the event one or more such incorporated municipalities have overlapping police jurisdictions.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 263. (With Substitute): To authorize county governing bodies to establish self-funded insurance groups for the purposes of providing workmen's compensation benefits for county officials and county employees; providing health and accident benefits for county officials, county employees and the officials' and employees' dependent family members; and providing liability insurance protection for county officials, county employees and county property.

Rep. Gilmer, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report and it was read a second time and placed on the Calendar, to-wit:

H. 111. To amend section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

H. 500. To amend section 32-5A-80, Code of Alabama 1975, relating to driving on the right side of a roadway so as to require all traffic to drive in the right-hand lane then available unless specifically exempted under certain conditions.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 745. Relating to Fayette County; providing for the compensation and expense allowance of the members of the county commission; and providing that a part of this act shall be retroactive to October 1, 1977.

H. 746. Relating to Lamar County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

H. 753. Relating to Jackson County, to raise the compensation of the jury commission and the compensation of the clerk of the commission.

H. 764. Relating to Monroe County; providing for the election of the superintendent of education; providing that only qualified electors residing in the school district served by such superintendent shall be entitled to vote in such election; and providing that this act shall become operative upon a majority of the qualified electors presiding in such district voting in favor of the election of the superintendent of education.

H. 767. To provide certain service credit for supernumerary status for the tax assessor and tax collector of Lauderdale County; to provide for certain prerequisites for such credit and to provide that said county shall pay such employer costs as are necessary with respect to such employees subject to this act.

H. 768. Relating to Tuscaloosa County; authorizing the county commission to levy a special school tax on real property outside the municipality of Tuscaloosa and located in school districts one and two upon approval by the qualified voters within the county residing outside the municipality of Tuscaloosa in said districts.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate have signed the following Senate Bill, your signature thereto is requested:

S. 392. To consolidate the administration of Athens State College, John C. Calhoun Junior College, and John C. Calhoun Technical College under a single administration.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolution was introduced:

By Reps. Kennedy, Sandusky, Harper (T), Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt, Zoghby:

H. J. R. 180. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MICHAEL ANTHONY DONALD.

WHEREAS, the Alabama Legislature grievously notes the very recent and untimely death of Michael Anthony Donald of Mobile, Alabama, at the young age of just 19 years; and

WHEREAS, regrettably and in deep sorrow, we further note that Michael Donald tragically died at the hands of others, his life cut short on the threshold of young manhood; and

WHEREAS, a native Mobilian, Michael was born to the union of Mr. and Mrs. David Donald on July 24, 1961, and was baptized in Christ at the Little Welcome Baptist Church of Mobile, later to attend the Nazaree Baptist Church of that city; and

WHEREAS, Michael Anthony Donald was a 1980 graduate of Mobile's Murphy High School and, at the time of his death, was a conscientious student at Carver State Technical College in preparation for his future as a brick mason; he also was employed by the Mobile Press Register, contributing to the costs of his studies; and

WHEREAS, he was quiet and unassuming by nature and a respectable law-abiding citizen, mature beyond his years; as one who loved life and all that it offered, Michael pursued hobbies of music and sports and was a member of his community's basketball team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we give thanks for his life, we grievously mourn the death of Michael Anthony Donald of Mobile, Alabama, and extend our most heartfelt sympathy to his family who are bereft in their great loss.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Michael's parents that they, his four sisters, two brothers and other family members may know of our care and concern for them in their time of such sorrow.

On motion of Rep. Kennedy, the rules were suspended and the resolution, H. J. R. 180, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Kennedy, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Namore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. R. 181. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MICHAEL ANTHONY DONALD.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 616. Relating to Jackson County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

Also:

H. 617. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Langston in Jackson County.

Also:

H. 618. To amend Section 1 of Act No. 179, H. 976, 1979 Regular Session (Acts 1979, p. 289), entitled "An Act Relating to Washington County; to provide an expense allowance to the circuit clerk and for the adjustment of such allowance," so as to provide further for the expense allowances of said circuit clerk and to provide for its retroactive effect.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 173. COMMENDING ROY O. "BUDDY" GILLILAND, ROCKFORD, ALABAMA.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. McCorquodale (With Notice and Proof):

H. 778. Relating to Clarke County; to provide for an expense allowance for the sheriff of the county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 778, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Smith (J):

H. 779. Relating to elections; authorizing the use of a greater variety of vote tabulating equipment including electronic vote counting systems; providing for a clearinghouse for information on voting equipment and for the testing and certification of such equipment; and providing definitions and procedures for implementation of the provisions of the Act.

Constitution and Elections.

By Reps. Smith (J), Zoghby, Bedsole and Smith (M):

H. 780. To provide further for estates and the rights of spouses therein; to provide further for descent and distribution in the cases of intestacy; to amend Sections 43-3-1, as amended, and 43-3-10, Code of Alabama 1975, which provide for the descent and distribution of real estate and personality, respectively, of an intestate, so as to provide further therefor; to repeal Section 43-3-12, Code of Alabama 1975, which relates to the husband's distributive share of his wife's estate; to repeal Sections 43-5-1 through 43-5-53, Code of Alabama 1975, which relate to the wife's dower interest in husband's estate.

Judiciary.

By Rep. Cates:

H. 781. To amend Sections 3 and 4 of Act No. 138, 1978 Second Extraordinary Session (Acts of 1978, p. 1875), so as to allow either fixed or variable interest rates to be borne by the Bonds authorized in said Act, to fix a maximum interest rate of 12% per annum on such Bonds and otherwise to exempt such Bonds from State usury laws, including, without limitation, Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import, and to provide that in the case of Bonds bearing floating or variable interest rates (a) the Board of Directors of the Authority (i) shall fix the method by which the interest rates on the Bonds shall be determined, (ii) shall specify the maximum rate of interest that may be borne thereby (not exceeding 12% per annum), and (iii) may specify a minimum rate of interest that may be borne by the Bonds, and (b) the Bonds shall be sold to the bidder offering to pay the highest price to the Authority for the series of Bonds being sold, and to provide for five days notice in the event of certain reofferings of the Bonds.

Ways and Means.

By Rep. Turner:

H. 782. To provide for a certain road construction and improvement program in Washington County by imposing a certain additional fee on the cost of motor vehicle licenses issued in said county; to prescribe a certain schedule for such program with priorities to be determined by the county commission; to give said commission broad discretion as to plans for financing such program; to provide that such additional fee shall cease to be collected upon completion of such program and to provide that this Act shall become effective upon referendum approval by the electors of the county of such program.

Local Legislation No. 1.

By Rep. Turner:

H. 783. To propose an amendment to the Constitution of Alabama of 1901 relating to road bonds for Washington County.

Local Legislation No. 1.

The above bill was read a first time at length as required by the Constitution.

By Rep. Venable:

H. 784. To amend Code of Ala. 1975, Section 17-16-15, which section relates to Assessments and other qualifications for candidates for nomination, so as to have assessments not to exceed two percent of one year's salary as presently stipulated but without the present \$600 maximum.

Constitution and Elections.

By Rep. Venable:

H. 785. To amend Section 36-26-26 of the Code of Alabama 1975 relating to the state merit system and providing the procedure for the lay off of state employees so as to clarify the consideration of seniority and the use of the reemployment list.

State Administration.

By Rep. Minus:

H. 786. To amend Section 30-2-51, Code of Alabama 1975, which provides for allowances upon granting of divorce and exempts certain property from being included within such allowances, so as to provide further for such exempt property.

Judiciary.

By Rep. Edwards:

H. 787. To confer the power to grant franchises upon the County Commissions of the several counties in this state in relation to the operation of community antenna television facilities; to empower the said County Commissions to set up reasonable rules and regulation governing the exercise of rights granted by the said franchises; to authorize and empower the said County Commissions to levy a license tax and fix the amount of said tax on the business performed under said franchise.

Local Government.

By Rep. Zoghby:

H. 788. To amend Section 35-2-54 of the Code of Alabama 1975, which section is entitled, "Vacation of streets or alleys by abutting landowners," so that the governing body of a municipality wherein a street or alley is located, or the governing body of a county if such street or alley is located outside the city limits of a municipality, may require payment to such municipality or county of the fair value of the land to be vacated prior to granting assent to the vacation and may require other conditions in the public interest including without limitation the continuing existence in such land of a right-of-way or easement for existing public utility installations and sanitary or storm sewers.

Local Government.

By Reps. Nevett, Horn, Harrison and Jackson:

H. 789. To grant and provide for payment of a raise to be paid to public school support personnel, and to appropriate money for such purpose payable from the Special Educational Trust Fund, for the fiscal year beginning October 1, 1981.

Ways and Means.

By Reps. Nevett, Horn, Harrison and Jackson:

H. 790. To provide, in addition to all benefits now received, a graduated percentage cost-of-living increase to all persons retired and the surviving spouse of any such retired person, which spouse receives retirement benefits, under the Teachers' Retirement System or the Employees'

Retirement System of Alabama prior to October 1, 1981; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to provide sufficient appropriations and funding for such purposes from the Alabama special educational trust fund, and the appropriate departments for eligible persons under the Employees' Retirement System of Alabama; and to provide for the repeal of conflicting laws.

Ways and Means.

By Reps. Nevett, Horn, Harrison and Jackson:

H. 791. To provide dismissal procedures for certain non-certified employees, not otherwise covered by the state merit system, at certain public educational institutions and facilities; to provide for and establish a review board to review dismissals of said employees; to provide for the appointment of review board members and their compensation; to define the duties, authority and jurisdiction of the review board; to provide for judicial review of the decisions of the review board; and to provide for an appropriation to be used to carry out the provisions of this Act.

Education.

By Rep. Howard:

H. 792. To amend Code of Alabama 1975, Section 16-25-19, so as to give the Alabama State Federation of Teachers representation on the board of control of the state teachers' retirement system.

Ways and Means.

By Rep. Harrison (With Notice and Proof):

H. 793. Relating to Class I Municipalities, to limit the amount of claims made under municipally insured employee health care expense reimbursement programs in order to protect public monies.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 793, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Whatley:

H. 794. To amend Sections 2-2-33, Code of Alabama 1975, requiring the Commissioner of Agriculture and Industries to use employees of the Department of Agriculture and Industries for analysis or tests on products under the control of the Commissioner or the Board of Agriculture and Industries; to also allow certain private labs and testing facilities meeting specific criteria and standards, set out by regulation, after certification by the Commissioner, to conduct official analysis for the Department of Agriculture and Industries. To amend Section 2-2-35, Code of Alabama 1975, requiring that a certificate, verified by affidavit of an analysis, executed by the chemist who is the Director of a laboratory of the Department of Agriculture and Industries be prima facie of the facts therein; to also require that a certificate, verified by affidavit, executed by a director or supervisor of a private lab or testing facility certified and meeting standards, imposed by regulation, as provided under Section 2-2-33 also be prima facie of the facts therein.

Agriculture and Forestry.

By Rep. Cooley:

H. 795. To further amend Chapter 24 of Title XVI of the Code of Alabama of 1975, as amended, in relation to definition of teacher; the eligibility for continuing service status as a teacher or continuing service status as a supervisor; a fair evaluation procedure for probationary employees; a date certain for the notification of transfers of continuing service status employees; salary entitlements for certified employees during periods of suspension or judicial and quasi-judicial review; and the requirement of a recommendation by a superintendent of education prior to non-reemployment of employees; to further amend Sections 16-24-30, 16-24-31, 16-24-32, and deleting 16-24-38 of the Code of Alabama 1975, as amended, in relation to the composition, size, appointment provisions, hearing of appeals, and meetings of the Alabama State Tenure Commission, and amends Chapter 24 to provide for direct appeals of the Tenure Commission rulings to the Alabama Court of Civil Appeals.

Ways and Means.

By Reps. Cooley, Kennedy, Stout, Holley, Reed, Crow, Boles, Blake, Drinkard, Ford, Albright, Hall, Tucker, Rains, Cheatwood, Horn and Holmes:

H. 796. To provide for fair dismissal procedures for non-teachers and non-certified employees in the public educational institutions and facilities in the state who are not otherwise covered by the state merit system, the Teacher Tenure Law, or other state statutes at the time this Act is adopted; to ensure procedural and substantive due process of law for dismissals for just cause before an impartial tribunal after the employee completes the probationary period of employment and thereafter gains permanent status; to provide for the appointment of a board of hearing examiners and their compensation; and to define the duties, authority, and jurisdiction of a hearing examiner when he or she hears disputes in contract cancellations; and to provide for judicial review of the decisions of the hearing examiner.

Education.

By Rep. Cooley:

H. 797. Amending Section 17-5-160, Code of Alabama 1975, relating to voter registration, so as to provide for a voter outreach program for identifying citizens who are not registered voters and to register such persons.

Ways and Means.

By Rep. Waggoner (With Notice and Proof):

H. 798. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 798, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner (With Notice and Proof):

H. 799. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 799, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Bedsole, Drinkard, Penry, Harper (T), Howard, Harvey, Stout, Albright, McMillan, Holmes, Zoghby, Greer, Clark (W), Warren, Patton, Buskey, Venable, Crow, Ray, Reed, Willis, Carter, Gilmer, Trammell, Olive, Escott, Mitchell, Roberts, Letson, Naramore, Brakefield, Shavers, Riddick, Goodwin, Starkey, Hall, Ford, Parker, Cobb, Minus, Barton, Adams (H), Dial, Harper (O), Blake, Grimsley, Kennedy, Horn, Lewis, Amari, Gafford, Bowling, Johnson (Roy), Smith (C), Boles, Turnham, Adams (C), Whatley, Wyatt, Gregg, Cabaniss and Cooley:

H. 800. To establish the Keep Alabama Beautiful Act of 1981, to provide legislative purpose and intent; to provide for definitions, penalties, enforcement, collection of fines, notice to the public, litter receptacles, litter removal, litter assessment, to provide for the distribution of funds, to provide for a youth litter patrol program, for the administration of anti-litter and recycling programs and campaigns, to provide for an effective date, severability and the repeal of conflicting acts.

Natural Resources.

By Rep. Blake:

H. 801. Relating to the Thirtieth Judicial Circuit; changing the jury strike system to a one-strike system in trials by jury for misdemeanors or felonies, or upon appeals to the circuit court from lower courts; repealing conflicting laws.

Local Legislation No. 1.

By Reps. Johnson (R. G.), Shoemaker and Minus:

H. 802. To provide for the confidentiality of all written materials and activities concerning the accreditation, quality assurance, or similar function of any hospital, clinic, or medical staff.

Health.

By Rep. McKee:

H. 803. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, junior college, state technical college or university, who is the dependent child or spouse who has not remarried, of a state law enforcement officer killed in the line of duty; to create a Tuition Eligibility Board to administer the provisions of the Act, and to prescribe its composition, duties and responsibilities; to appropriate necessary funds from the State General Fund.

Ways and Means.

By Rep. Dial:

H. 804. To amend Act 81-139, relating to finance charges or taxes assessed against lands which are used for timber growing purposes and are located within Cleburne County, so as to rescind the provision for land sale under conditions that apply to satisfaction of ad valorem tax liens, and so as to provide that the Cleburne County Tax Collector will be responsible for making administrative rules and regulations, collecting funds, paying such funds to the Cleburne County Treasurer, and amending the effective date.

Local Legislation No. 1.

By Rep. Biddle:

H. 805. To amend Code of Alabama 1975, § 9-11-17 so as to provide the requirements, duties, authority, compensation and method of revoking appointments for deputy game and fish wardens.

Natural Resources.

RESOLUTION

The following resolution was introduced:

By Rep. Gregg:

H. R. 182. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Rules of the House of Representatives are hereby amended to read as follows:

Rule 27b—Any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill, shall be deleted and stricken from the House Rules.

MOTION TO ADOPT RESOLUTION

Rep. Gregg offered the motion to adopt the resolution, H. R. 182.

MOTION TO TABLE LOST

The motion offered by Rep. Ward to table the motion offered by Rep. Gregg to adopt the resolution, H. R. 182, was lost.

Yeas 39; Nays 45.

Yeas:

Reps.: Adams (C), Amari, Biddle, Blake, Brakefield, Cheatwood, Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby, Hammett, Harper (O), Holley, Howard, Laird, McKee, Minus, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Smith (C), Trammell, Turnham, Ward, Warren, Whatley, Williams and Willis.

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Nays:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Boles, Buskey, Cabaniss, Campbell, Carter, Clark (W), Coburn, Cooley, Escott, Gilmer, Goodwin, Greer, Gregg, Hall, Harper (T), Harrison, Holmes, Horn, Jackson, Johnson (Roy), Kennedy, Langford, Letson, Lewis, McMillan, Patton, Reed, Roberts, Sandusky, Seibels, Shavers, Smith (J), Smith (M), Starkey, Stewart, Stout, Tucker, Turner, Waggoner and Zoghby.

—45

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 616. Relating to Jackson County; providing that the county commission may provide additional compensation for poll officials in an amount up to \$10 per day from the county general fund.

Also:

H. 617. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Langston in Jackson County.

Also:

H. 618. To amend Section 1 of Act No. 179, H. 976, 1979 Regular Session (Acts 1979, p. 289), entitled "An Act Relating to Washington County; to provide an expense allowance to the circuit clerk and for the adjustment of such allowance," so as to provide further for the expense allowances of said circuit clerk and to provide for its retroactive effect.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. R. 182 RESUMED
RESOLUTION ADOPTED

On motion of Rep. Gregg, the resolution, H. R. 182, was adopted.

Yeas 45; Nays 40.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Boles, Buskey, Cabaniss, Campbell, Carter, Clark (W), Coburn, Escott, Gilmer, Goodwin, Greer, Gregg, Hall, Harper (T), Harrison, Holmes, Horn, Jackson, Johnson (Roy), Kelley, Kennedy, Langford, Letson, Lewis, McMillan, Patton, Reed, Roberts, Sandusky, Seibels, Shavers, Smith (J), Smith (M), Starkey, Stewart, Stout, Tucker, Turner, Waggoner and Zoghby.

—45

Nays:

Reps.: Adams (C), Amari, Biddle, Blake, Brakefield, Cheatwood, Cobb, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Gafford, Grimsley, Grouby,

Hammett, Harper (O), Holley, Howard, Laird, McKee, Minus, Mitchell, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Smith (C), Turnham, Ward, Warren, Whatley, Williams and Willis.

—40

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Smith (J):

H. R. 183. COMMENDING SPARKMAN HIGH SCHOOL, MADISON COUNTY BASKETBALL CHAMPIONS.

Also:

By Rep. Smith (J):

H. R. 184. COMMENDING MR. MARK BARNES OF LIMESTONE COUNTY FOR OUTSTANDING COMMUNITY SERVICE.

Also:

By Rep. Smith (J):

H. R. 185. COMMENDING THE MADISON COUNTY RECORD AND ITS PUBLISHER-EDITOR, MS. BETTY SMITH.

Also:

The following resolutions were introduced:

By Reps. Escott, Bennett and Waggoner:

H. J. R. 186. CONGRATULATING BIRMINGHAM-SOUTHERN COLLEGE ON ITS 125th ANNIVERSARY.

WHEREAS, Birmingham-Southern College this year is celebrating its 125th anniversary having been chartered as old Southern University in Greensboro in 1856; and

WHEREAS, Birmingham-Southern, which is a result of a merger between Southern University and Birmingham College in 1918, has become one of Alabama's most highly regarded academic institutions; and

WHEREAS, the college remains today as the only institution of higher education operated by the United Methodist Church of North Alabama; and

WHEREAS, under the leadership of its current president, Dr. Neal R. Berte, B-SC has established itself over the last five years as Alabama's fastest growing college or university in which time it more than doubled its enrollment; and

WHEREAS, 'Southern's alumni include men and women of success in every field including U. S. Senator Howell Heflin, Citicorp Vice Chairman G.A. Costanzo and former U. S. Surgeon General Luther Terry;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That it congratulates Birmingham-Southern on its first 125 years of service of Alabama's sons and daughters as a premier educational institution.

BE IT FURTHER RESOLVED, That by copy of this resolution, it wishes the Hilltop all good success in its continuing efforts to provide Alabama with educational leadership and academic progress.

On motion of Rep. Escott, the rules were suspended and the resolution, H. J. R. 186, was adopted.

Also:

By Reps. McMillan and Penry:

H. J. R. 187. HONORING MRS. RUTH E. OWEN.

WHEREAS, Mrs. Ruth E. Owen grew up in Baldwin County, Alabama, and graduated from Robertsdale High School; and

WHEREAS, Mrs. Owen has for years been active in the religious and community affairs and activities of Silverhill, Alabama; and

WHEREAS, Mrs. Owen has used her extensive education, experience and training as a nurse to unselfishly care for the ill, disabled and less fortunate members of her community; and

WHEREAS, Mrs. Owen has demonstrated a special concern for senior citizens; and

WHEREAS, Mrs. Owen has been recognized as The Silverhill, Alabama, Citizen of the Year of 1980; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mrs. Ruth E. Owen be commended for her recognition as The Silverhill, Alabama, Citizen of the Year of 1980.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Mrs. Ruth E. Owen.

On motion of Rep. McMillan, the rules were suspended and the resolution, H. J. R. 187, was adopted.

H. 749 RE-REFERRED

No objection being offered the Speaker re-referred the bill, H. 749, from the Standing Committee on Local Legislation No. 2, to the Standing Committee on Local Legislation No. 1.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 573. Relating to Etowah County; to provide that the county commission must approve any concerts or events for which a license tax is charged pursuant to section 40-12-82 of the Code of Alabama 1975 before such license is issued.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Blake, Brakefield, Cates, Cheatwood, Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Hall, Hammett, Harper (O), Langford, McMillan, Mitchell, Moore, Naramore, Olive, Payne, Pegues, Penry, Ray, Trammell, Turner, Venable, Williams and Willis.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 641. Relating to Henry County; providing further for the salary of the county superintendent of education and providing for an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cates, Cheatwood, Cobb, Coburn, Cosby, Crow, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Horn, Johnson (Roy), Kelley, Langford, McMillan, Mitchell, Moore, Naramore, Olive, Pegues, Penry, Ray, Sasser, Stewart, Trammell, Turner, Venable, Williams, Willis, Wyatt and Zoghby.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 642. Relating to Henry County; providing further for the expense allowance of the members of the county board of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer,

Grimsley, Hall, Hammett, Harper (O), Kelley, Langford, Mitchell, Moore, Naramore, Olive, Owens, Penry, Ray, Roberts, Sandusky, Sasser, Stewart, Trammell, Turner, Venable, Ward, Williams, Willis and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 643. Relating to Henry County; providing for an expense allowance for the county superintendent of education; repealing Act No. 1169, H. 1854, Regular Session 1971 (Acts 1971, p. 2026); and providing for its retroactive effect.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Langford, McMillan, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Stewart, Trammell, Turner, Venable, Williams, Willis and Wyatt.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 668. Relating to Shelby County; amending Act No. 80-408, H. 809, 1980 Regular Session (Acts 1980, p. 567), which provides for voter reidentification in Shelby County, so as to extend the time limit, provide for the compensation of the board of registrars and to make certain provisions of this Act retroactive to the date of the original Act No. 80-408, viz May 8, 1980.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall,

Hammett, Harper (O), Harper (T), Langford, McMillan, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Roberts, Sandusky, Sasser, Stewart, Trammell, Turner, Venable, Williams, Willis and Wyatt.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 669. Relating to ColberhCounty; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Cobb, Coburn, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Kelley, Langford, McMillan, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Stewart, Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis and Wyatt.

—53

And the bill:

H. 670. To repeal Act No. 2454, H. 2806, 1971 Regular Session (Acts 1971, p. 3921), entitled, "An Act Relating to counties having populations of not less than 49,000 nor more than 51,000, according to the most recent federal decennial census; fixing the fee for issuance of pistol permits by the sheriff and providing for distribution and use of such fees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Biddle, Blake, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Coburn, Cosby, Crow, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Kelley, Langford, McMillan, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Roberts, Sasser, Smith (C), Stewart, Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill;

H. 711. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Steele in St. Clair County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cosby, Crow, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Kelley, Langford, McKee, McMillan, Mitchell, Moore, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Sandusky, Sasser, Smith (C), Stewart, Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis and Wyatt.

—53

And the bill:

H. 712. Relating to Washington County; providing further for the compensation of the county superintendent of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Barton, Bennett, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cosby, Crow, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Kelley, Langford, McKee, McMillan, Manley, Mitchell, Naramore, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Roberts, Sasser, Smith (C), Stewart, Trammell, Turner, Venable, Warren, Williams, Willis and Wyatt.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 714. Proposing an Amendment to the Constitution of 1901 relating to the City of Alabaster in Shelby County; authorizing the municipal governing body to levy an additional ad valorem tax.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Johnson (R. G.), Johnson (Roy), Kelley, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Starkey, Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis and Wyatt.

—71

And the bill:

H. 721. Relating to Winston County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cates, Cheatwood, Cosby, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Langford, McMillan, Manley, Mitchell, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Roberts, Sasser, Seibels, Smith (C), Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 730. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cheatwood, Cosby, Crow, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Kelley, Langford, McMillan, Minus, Mitchell, Naramore, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Roberts, Sandusky, Sasser, Seibels, Smith (C), Trammell, Turner, Venable, Waggoner, Warren, Williams, Willis and Wyatt.

—54

And the bill:

H. 735. To repeal Act No. 83, H. 114, 1963 Regular Session (Acts 1963, p. 463), as amended, and Act No. 333, H. 918, 1973 Regular Session (Acts 1973, p. 476), which provide for the compensation of the county superintendent of education in counties having a population of not less than 16,000 nor more than 16,250, according to the 1970 federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cates, Cheatwood, Cosby, Crow, Drinkard, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Langford, McMillan, Manley, Mitchell, Moore, Naramore, Olive, Parker, Pegues, Penry, Ray, Reed, Roberts, Sasser, Seibels, Smith (C), Trammell, Turner, Warren, Willis and Wyatt.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 378. Relating to Sumter County; levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc. near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violations.

Was taken up.

H. 378 INDEFINITELY POSTPONED

On motion of Rep. Minus, the bill, H. 378, was indefinitely postponed.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Edwards:

H. R. 188. MOURNING THE DEATH OF MR. ALEXANDER R. STICKNEY OF MONTGOMERY AND LOWNDES COUNTY, ALABAMA.

SPECIAL ORDER RESUMED

And the bill:

H. 261. To propose an amendment to the Constitution of Alabama of 1901, to prohibit the state, counties, municipalities or other public bonding authorities in this state from issuing tax exempt bonds for the construction or development of any establishment engaged primarily in retail sales of products or services to the general public.

As previously amended, was taken up.

AMENDMENT OFFERED

Rep. Starkey offered the following amendment to the bill, H. 261 as amended:

Amend Substitute to H. B. 261, page 2, line 28, after the word "individual." by adding the following new Section 2 and renumbering subsequent sections accordingly; Section 2 to read as follows:

Section 2. A project which would be prohibited by the foregoing Section (1) is nonetheless permissible if (a) the project is otherwise provided for by law and is located in a predominantly commercial area for which a commercial area revitalization or urban redevelopment plan has been adopted by the governing body of a municipality and the project is consistent with the plan, so long as the purposes of the plan are to arrest and reverse the deterioration of older commercial centers which results from the movement of commercial enterprises to previously non-commercial areas; (b) the project is otherwise authorized by law to be undertaken by any county or municipal hospital board, hospital corporation, hospital authority, or medical clinic board; or (c) the project is otherwise authorized by law to be undertaken by a historical preservation authority, or (d) the project is otherwise authorized by law to be undertaken by any Motel Development Board.

AMENDMENT TABLED

On motion of Rep. Venable, the amendment offered by Rep. Starkey to the bill, H. 261 as amended, was tabled.

Yeas 61; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Brakefield, Cabaniss, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Daniels, Dial, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Holmes, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore,

Naramore, Olive, Owens, Parker, Patton, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Shoemaker, Smith (C), Smith (J), Stewart, Turner, Venable, Ward, Warren, Williams, Wyatt and Zoghby.

—61

Nays:

Reps.: Bedsole, Buskey, Cheatwood, Clark (W), Coburn, Dixon, Drinkard, Ford, Goodwin, Greer, Harper (T), Holley, Jackson, Nevett, Payne, Shavers, Smith (M), Starkey, Stout, Tucker and Waggoner.

—21

AMENDMENT OFFERED

Rep. Dixon offered the following amendment to the bill, H. 261 as amended:

Line 7, following ". . . general public." Synopsis: Add, "unless the Annual Prime Interest Rate is above 12% for a period of six months.

Line 33, page 1, add "unless the Annual Prime Interest Rate is above 12% for a period of six months.

Line 19, page 2, add "unless the Annual Prime Interest Rate is above 12% for a period of six months." following ". . . segment hereof,"

AMENDMENT TABLED

On motion of Rep. Venable, the amendment offered by Rep. Dixon to the bill, H. 261 as amended, was tabled.

Yeas 65; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Crow, Daniels, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Howard, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Stewart, Trammell, Turner, Turnham, Venable, Warren, Whatley, Williams, Willis and Zoghby.

—65

Nays:

Reps.: Biddle, Cheatwood, Clark (W), Cooley, Dixon, Drinkard, Escott, Goodwin, Holley, Holmes, Jackson, Langford, Letson, Nevett, Payne, Reed, Smith (C), Starkey, Stout, Tucker and Waggoner.

—21

SUBSTITUTE OFFERED

Rep. Sasser offered the following substitute to the bill, H. 261 as amended:

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 1901 prohibiting the State of Alabama, its political subdivisions, and agencies or instrumentalities of one or more of the foregoing, from issuing securities or obligations for the purpose of acquiring, constructing, improving or otherwise developing any establishment, facility or project to be used primarily in the business of making retail sales of goods or products, or of providing services, to the general public and to be operated primarily for the economic or pecuniary benefit of certain private persons, firms or corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is hereby proposed:

"Any provision of the Constitution or laws of the State of Alabama to the contrary notwithstanding, neither the State of Alabama, nor any county, municipality, or other political subdivision of said State, nor any agency or corporate or other instrumentality of any one or more of the foregoing, including without limitation any municipal or county industrial development board, and any other similar public corporation, authority, or agency, shall issue any bond, warrant, certificate of indebtedness, note, or other similar security or obligation for the purpose of acquiring, constructing, leasing, improving, maintaining, equipping, furnishing, repairing or otherwise developing any establishment, facility or project (a) that is to be used primarily in the business of making retail sales of goods or products, or of providing services, to the general public or any significant or recognizable segment thereof, and (b) that is to be directly or indirectly operated primarily for the economic or pecuniary benefit of any person, firm or corporation other than (1) the State of Alabama, (2) one or more political subdivision thereof, (3) one or more agencies or corporate or other instrumentalities of the State or any one or more of such political subdivisions, or (4) one or more non-profit charitable, educational or religious entities no part of the net earnings of which inures to the benefit of any private shareholder, member or individual."

Section 2. An election upon the proposed amendment is ordered to be held on the date of the first statewide election (whether general, primary, or special) held after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and Chapter 17 of Title 17 of Code of Alabama 1975.

Section 3. Notice of the election on the proposed amendment shall be given by proclamation of the Governor, published in a newspaper in each county in the State once a week for four successive weeks next preceding the day appointed herein for the election, and in any county in which there may be no newspaper published, the notice shall be posted at each courthouse therein.

SUBSTITUTE TABLED

On motion of Rep. Pegues, the substitute offered by Rep. Sasser to the bill, H. 261 as amended, was tabled.

Yeas 54; Nays 30.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Blake, Cabaniss, Campbell, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grouby, Hammett, Harper (O), Harper (T), Harrison, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Minus, Nevett, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Shoemaker, Smith (J), Stewart, Venable, Waggoner, Ward, Warren, Whatley, Willis and Zoghby.

—54

Nays:

Reps.: Amari, Bennett, Bowling, Brakefield, Carothers, Carter, Cobb, Escott, Gafford, Greer, Grimsley, Hall, Holley, Jackson, Lewis, McKee, Moore, Naramore, Olive, Payne, Riddick, Roberts, Sasser, Smith (C), Stout, Trammell, Tucker, Turner, Williams and Wyatt.

—30

And the bill:

H. 261. To propose an amendment to the Constitution of Alabama of 1901 prohibiting the State of Alabama, its political subdivisions, and agencies or instrumentalities of one or more of the foregoing, from issuing securities or obligations for the purpose of acquiring, constructing, improving or otherwise developing any establishment, facility or project to be used primarily in the business of making retail sales of goods or products, or of providing services, to the general public and to be operated primarily for the economic or pecuniary benefit of certain private persons, firms or corporations.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 18.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holley, Howard, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (J), Stewart, Turner, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—70

Nays:

Reps.: Cheatwood, Clark (W), Cooley, Dixon, Drinkard, Escott, Goodwin, Holmes, Jackson, Langford, Nevett, Payne, Reed, Shavers, Smith (C), Starkey, Stout and Waggoner.

—18

And the bill:

H. 259. To prohibit the state, or any county, municipality or other political subdivision thereof, or any public authority or entity which is authorized to issue bonds in this state, from issuing any bond which is exempt from the payment of state or local sales, use or ad valorem taxes if the issuance of such bond is for the purpose of constructing, repairing or otherwise developing any establishment, project or enterprise which is engaged primarily in the business of retail sales of products or services to the general public, any provision of law to the contrary notwithstanding.

Was taken up.

SUBSTITUTE OFFERED

Rep. Venable offered the following substitute to the bill, H. 259:

A BILL TO BE ENTITLED AN ACT

To prohibit the State of Alabama, its political subdivisions, and agencies or instrumentalities or one or more of the foregoing, from issuing securities or obligations for the purpose of acquiring, constructing, improving or otherwise developing any establishment, facility or project to be used primarily in the business of making retail sales of goods or products, or of providing services, to the general public or any significant or recognizable segment thereof and to be operated primarily for the economic or pecuniary benefit of certain private persons, firms or corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. Except as may be otherwise permitted by the Constitution of Alabama of 1901 or any amendment thereto, neither the State of Alabama, nor any county, municipality, or other political subdivision of said State, nor any agency or corporate or other instrumentality of any one or more of the foregoing, including without limitation any municipal or county industrial development board, and any other public corporation, authority or agency organized pursuant to authorization or determination by any one or more counties, municipalities, or any combination thereof, or organized at the state or a regional or local level, shall (any statute of the State of Alabama to the contrary notwithstanding) issue any bond, warrant, certificate of indebtedness, note, or other similar security or obligation for the purpose of acquiring, constructing, leasing, improving, maintaining, equipping, furnishing, repairing or otherwise developing any establishment, facility or project (a) that is to be used primarily in the business of making retail sales of goods or products, or of providing services, to the general public or any significant or recognizable segment thereof, and (b) that is to be directly or indirectly operated primarily for the economic or pecuniary benefit of any person, firm or corporation other than (1) the State of Alabama, (2) one or more political subdivisions thereof, (3) one or more agencies or corporate or other instrumentalities of the State or any one or more of such political subdivisions, or (4) one or more non-profit charitable, educational or religious entities no part of the net earnings of which inures to the benefit of any private shareholder, member or individual.

Section 2. In the event any section, sentence, clause or provision of this Act shall be declared invalid or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity or enforceability of the remaining sections, sentences, clauses or provisions hereof, which shall continue effective.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Escott, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holley, Horn, Howard, Kelley, Kennedy, Laird, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—73

AMENDMENT OFFERED

Rep. Venable offered the following amendment to the bill, H. 259 as amended:

Amend Substitute to H. B. 259, page 2, line 31, after the word "individual." by adding the following new Section 2 and renumbering subsequent sections accordingly; Section 2 to read as follows:

Section 2. A project which would be prohibited by the foregoing Section (1) is nonetheless permissible if (a) the project is otherwise provided for by law and is located in a predominantly commercial area for which a commercial area revitalization or urban redevelopment plan has been adopted by the governing body of a municipality and the project is consistent with the plan, so long as the purposes of the plan are to arrest and reverse the deterioration of older commercial centers which results from the movement of commercial enterprises to previously non-commercial areas; (b) the project is otherwise authorized by law to be undertaken by any county or municipal hospital board, hospital corporation, hospital authority, or medical clinic board; or (c) the project is otherwise authorized by law to be undertaken by a historical preservation authority.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter,

Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Holley, Howard, Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—79

AMENDMENT OFFERED

Rep. Dixon offered the following amendment to the bill, H. 259 as amended:

Amend House Bill No. 259 as follows:

By deleting Section 4 thereof, and substituting the following as Section 4:

"This bill will become effective upon the adoption of a Constitutional amendment abolishing the issuance of tax exempt bonds for development of commercial and retail outlets in the several counties which now have Constitutional provisions authorizing such bonds."

AMENDMENT TABLED

On motion of Rep. Venable, the amendment offered by Rep. Dixon to the bill, H. 259, was tabled.

Yeas 59; Nays 21.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cates, Clark (G), Cobb, Cosby, Crow, Daniels, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Howard, Johnson (R. G.), Laird, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Stewart, Venable, Warren, Whatley, Willis and Zoghby.

—59

Nays:

Reps.: Bennett, Cheatwood, Coburn, Cooley, Dixon, Drinkard, Escott, Goodwin, Holley, Holmes, Kelley, Langford, Letson, Nevett, Payne, Reed, Smith (C), Starkey, Trammell, Waggoner and Wyatt.

—21

AMENDMENT OFFERED

Rep. Waggoner offered the following amendment to the bill, H. 259 as amended:

Amend substitute to H. B. 259, section 1, page 2, line 31, after the word "individual," by replacing the period with a semi-colon and adding the following:

"provided that it shall not prohibit the issuance of any bonds, warrants, certificates of indebtedness, notes, or other similar securities or obligations whose issuance is otherwise prohibited by the provisions of this act if (1) prior to May 1, 1981 the issuer shall have entered into a non-transferable written contract with respect to the issuance of such securities or obligations and (2) such securities or obligations are issued prior to December 31, 1981."

H. 259 TEMPORARILY POSTPONED

On motion of Rep. Harrison, the bill, H. 259 as amended and with pending amendment, was temporarily postponed.

MOTION TO ADJOURN LOST

The motion offered by Rep. Holmes that the House adjourn until 1:00 o'clock p.m., Tuesday, March 31, 1981, was lost.

Yeas 11; Nays 58.

Yeas:

Reps.: Clark (G), Escott, Gregg, Holley, Holmes, Kennedy, Langford, Manley, Roberts, Smith (J) and Stewart.

—11

Nays:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Bowling, Brakefield, Campbell, Carter, Cates, Cheatwood, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gilmer, Greer, Grimsley, Hammett, Harper (O), Harper (T), Howard, Johnson (R. G.), Kelley, Laird, Lewis, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Riddick, Sandusky, Sasser, Shoemaker, Smith (C), Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—58

And the bill:

H. 260. To require every bond issued by the state, or any county, municipality or other political subdivision of the state, or by any other public authority which is authorized to issue bonds in this state, to be reported to the state securities commission.

Was taken up.

SUBSTITUTE OFFERED

Rep. Venable offered the following substitute to the bill, H. 260:

A BILL
TO BE ENTITLED
AN ACT

To require the State of Alabama, every political subdivision thereof, and any agency or corporate or other instrumentality of any one or more of the foregoing, including local boards of education and certain public corporations, authorities and agencies, to submit to the Alabama Securities Commission a written notification of the issuance by such State, subdivision,

agency or instrumentality, of bonds, warrants, certificates of indebtedness, notes, or other obligations for borrowed money; and to provide that the failure of any such issuer to provide such written notification shall not affect the validity or legality of such obligations.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act, the following terms shall have the following respective meanings:

"Public Securities" means any bonds, warrants, notes, certificates of indebtedness or other obligations for borrowed money and includes both general and special or limited obligations; provided, however, that no issue of any such bonds, warrants, notes, certificates of indebtedness or other obligations shall be considered "public securities" if none thereof has a stated maturity or due date later than one year after the date of issuance.

"State or Local Subdivision" means the State of Alabama and any county, city, town or other political subdivision of the State of Alabama, and any agency or corporate or other instrumentality of any one or more of the foregoing, including (without limitation) any city or county board of education, any municipal or county industrial development board, any other public corporation, authority or agency organized pursuant to authorization or determination by any one or more counties, cities or towns, or any combination thereof, and any public corporation, authority or agency organized at the state or a regional or local level.

Section 2. The State and every Local Subdivision thereof shall, not later than thirty (30) days after the date of issuance by it or any Public Securities, submit to the Alabama Securities Commission a notification in writing of such issuance. Such notification shall contain the name and address of the State or Local Subdivision so issuing such Public Securities, and the designation or name, the face amount, the maturity or maturities, and the rate or rates of interest of such Public Securities, and such other, similar information as may be reasonably prescribed by rules and regulations, consistent with the provisions of this Act, promulgated by said Securities Commission to advise it of the nature and purpose of issuance of such Public Securities. All such notifications shall be available for public inspection during the normal business hours of the director of said Securities Commission.

Section 3. Nothing in this Act shall be construed to alter, amend, modify, or repeal the provisions of (a) subsection (1) of Section 8-6-10 of the Code of Alabama 1975, pertaining to exempt securities, or (b) Article 5 of Chapter 6 of Title 8 of the Code of Alabama, 1975, as amended, pertaining to industrial revenue bonds, or otherwise to subject any Public Securities of any State or Local Subdivision to the registration provisions of Article 1 of Chapter 6 of Title 8 of the Code of Alabama 1975, as amended.

Section 4. Failure of the State or any Local Subdivision to comply with the requirements of this Act with respect to any Public Securities issued by it shall not affect the validity or legality of such Public Securities, nor shall any such failure constitute (a) a fraud or deceit, as those terms are defined in subsection (18) of Section 8-6-2 of the Code of Alabama 1975, (b) a violation of the aforesaid Article 1 of Chapter 6 of Title 8 of the Code of Alabama 1975, as amended, or any rule or order thereunder, within the scope of Sections 8-6-15, 8-6-16, 8-6-18 and 8-6-19 of said Code, or (c) a prohibited act within the scope of Section 8-6-17 of said Code.

Section 5. In the event any section, sentence, clause or provision of this Act shall be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity or enforceability of the remaining sections, sentences, clauses or provisions hereof, which shall continue effective.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Greer, Gregg, Grimsley, Hammett, Harper (O), Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Willis, Wyatt and Zoghby.

—69

And the bill:

H. 260. To require the State of Alabama, every political subdivision thereof, and any agency or corporate or other instrumentality of any one or more of the foregoing, including local boards of education and certain public corporations, authorities and agencies, to submit to the Alabama Securities Commission a written notification of the issuance by such State, subdivision, agency or instrumentality, of bonds, warrants, certificates of indebtedness, notes, or other obligations for borrowed money; and to provide that the failure of any such issuer to provide such written notification shall not affect the validity or legality of such obligations.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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H. 259 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Rep. Waggoner to the bill, H. 259 as amended, and the amendment was adopted.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Daniels, Drinkard, Edwards, Escott, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Langford, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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Nay: Rep. Laird.

—1

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Reps. Buskey, Clark (W), Kennedy, Stewart, Zoghby, Harper (T), Parker, Sandusky, Turner, McMillan and Bedsole:

H. R. 189. HONORING DEACON WILBORN SMITH ON THE OCCASION OF THE 100th ANNIVERSARY OF HIS BIRTH.

Also:

The following resolution was introduced:

By Reps. Buskey, Clark (W), Kennedy, Stewart, Zoghby, Harper (T), Parker, Sandusky, Turner, McMillan and Bedsole:

H. J. R. 190. HONORING DEACON WILBORN SMITH ON THE OCCASION OF THE 100th ANNIVERSARY OF HIS BIRTH.

WHEREAS, it is with extreme pleasure that the Legislature of Alabama notes the 100th birthday, on March 31, 1981, of Deacon Wilborn Smith of Mobile, Alabama; and

WHEREAS, born March 31, 1881, in Brundidge, Pike County, Alabama, Deacon Smith was married in 1907 to Dora Jones, now deceased, and they were the parents of seven children; one grandson, five great grandchildren and one great, great grandson now complete his beloved family; and

WHEREAS, it is further to be noted that Deacon Smith has been a devoted member, since 1922, of the Aimwell Baptist Church in Mobile, Alabama, where he is to be honored in special celebration of his 100th birthday on March 31, 1981; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in congratulations extended to Deacon Wilborn Smith on his 100th birthday, wishing him continued happiness and joy into his second century of a full and rewarding life.

BE IT FURTHER RESOLVED, That Deacon Smith receive a copy of this resolution with a copy also provided for The Reverend Michael Jackson, Pastor, Aimwell Baptist Church.

On motion of Rep. Buskey, the rules were suspended and the resolution, H. J. R. 190, was adopted.

Also:

By Rep. Adams (H):

H. R. 191. WHEREAS, members of the Senate in their deep concern for law and order, are tied up in a filibuster to amend the death penalty law, and

WHEREAS, members of the House, equally concerned about law and order, and

WHEREAS, members of the House are deeply concerned for members of the Senate and in sympathy with the Senate in their time of great physical strain; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That the House, as an expression of deep appreciation for actions of the Senate in this grave situation, the House avows to remain in continuous session for so long as the Senate remains in continuous session.

The resolution, H. R. 191, was read and referred to the Standing Committee on Rules.

H. 259 RESUMED

And the bill:

H. 259. To prohibit the State of Alabama, its political subdivisions, and agencies or instrumentalities or one or more of the foregoing, from issuing securities or obligations for the purpose of acquiring, constructing, improving or otherwise developing any establishment, facility or project to be used primarily in the business of making retail sales of goods or products, or of providing services, to the general public or any significant or recognizable segment thereof and to be operated primarily for the economic or pecuniary benefit of certain private persons, firms or corporations.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Drinkard, Edwards, Escott, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

And the bill:

H. 262. (With Amendment): To provide that any bond issued by the state or any county, city or other political subdivision thereof, or any other public authority authorized to issue bonds in this state, which grants an exemption from state or local ad valorem taxation pursuant to any such bond issue, shall cease to have such exemption after a 10-year period.

As temporarily postponed on the eleventh legislative day with pending amendment reported by the Standing Committee on Constitution and Elections, was taken up.

SUBSTITUTE OFFERED

Rep. Venable offered the following substitute to the bill, H. 262:

A BILL TO BE ENTITLED AN ACT

To provide that for purposes of assessment and collection of State and local ad valorem taxes, the owner of certain facilities to be acquired (in whole or in part) with the proceeds of securities or obligations issued by the State of Alabama, any of its political subdivisions, or any of certain agencies, instrumentalities or public corporations, shall, after a period of 20 years from the date of issuance of such securities or obligations, be deemed to be the beneficial owner of such facilities and not the state or local subdivision in whom legal title to such facilities may then be vested.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act, the following terms shall have the following respective meanings:

"Industrial Development Facility" means any establishment, facility or project, including without limitation any land, plant, building, equipment or other property that is to be acquired (in whole or in part) with the proceeds of Public Securities and that is to be directly or indirectly operated primarily for the economic or pecuniary benefit of any person, firm or corporation other than (a) one or more State or Local Subdivisions, or (b) one or more non-profit charitable, educational or religious entities no part of the net earnings of which inures to the benefit of any private shareholder, member or individual.

"Public Securities" means any bonds, warrants, notes, certificates of indebtedness or other obligations for borrowed money and includes both general and special or limited obligations.

"State or Local Subdivision" means the State of Alabama and any county, city, town or other political subdivision of the State of Alabama, and any agency or corporate or other instrumentality of any one or more of the foregoing, including (without limitation) any city or county board of education, any public corporation, authority or agency organized pursuant to authorization or determination by any one or more counties, cities or towns, or any combination thereof, and any public corporation, authority or agency organized at the state or a regional or local level.

Section 2. Any other provision of the laws of this state to the contrary notwithstanding, any Industrial Development Facility that is financed by Public Securities issued by the State or Local Subdivision after the effective

date of this Act and that is, under the terms of a lease, lease-sale, agreement of sale or similar arrangement, beneficially owned by a person, firm or corporation other than the State or Local Subdivision shall, after the expiration of a period of twenty (20) years from the date of issuance of such Public Securities and for purposes of assessment and collection of any State or local ad valorem tax, be deemed to be owned by such beneficial owner and not by the State or Local Subdivision in whom legal title may, at the time of such assessment or collection, be vested.

Section 3. In the event any section, sentence, clause or provision of this Act shall be declared invalid or unenforceable by a court of competent jurisdiction, such holding shall not affect the validity or enforceability of the remaining sections, sentences, clauses or provisions hereof, which shall continue effective.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Escott, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—73

And the bill:

H. 262. To provide that for purposes of assessment and collection of State and local ad valorem taxes, the owner of certain facilities to be acquired (in whole or in part) with the proceeds of securities or obligations issued by the State of Alabama, any of its political subdivisions, or any of certain agencies, instrumentalities or public corporations, shall, after a period of 20 years from the date of issuance of such securities or obligations, be deemed to be the beneficial owner of such facilities and not the state or local subdivision in whom legal title to such facilities may then be vested.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Escott,

Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—76

And the bill:

H. 585. To provide that certain vehicles may not be operated on the beaches and sand dunes on the Gulf of Mexico along the southern boundary of the State of Alabama; prescribing penalties.

Was taken up.

AMENDMENT OFFERED

Rep. McMillan offered the following amendment to the bill, H. 585:

Amend H. 585 by adding after the semicolon following the word "property" on page 1, line 31 the following:

"and provided that motor vehicles engaged in the construction, maintenance or repair of utility facilities may be operated on such beaches and sand dunes to the extent necessary to carry out such construction, repair or maintenance of utility facilities;"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Daniels, Dixon, Edwards, Escott, Gafford, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holmes, Horn, Johnson (R. G.), Kennedy, Laird, McMillan, Minus, Moore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—67

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Smith (J):

H. R. 192. COMMENDING MR. DONALD S. HAYS, RECIPIENT OF THE JAYCEE OUTSTANDING YOUNG MAN OF LIMESTONE COUNTY AWARD FOR 1980.

REGULAR SESSION
14th Day

749

H. 585 RESUMED

And the bill, H. 585 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 4.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Blake, Brakefield, Buskey, Cabaniss, Campbell, Cates, Cheatwood, Cosby, Crow, Dixon, Edwards, Escott, Gilmer, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holmes, Horn, Kennedy, Laird, Lewis, McMillan, Minus, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Reed, Riddick, Sandusky, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Ward, Whatley, Williams, Wyatt and Zoghby.

—57

Nays: Reps.: Carothers, Daniels, Johnson (R. G.) and McKee.

—4

SPECIAL ORDER RESUMED

And the bill:

H. 651. Prohibiting any public water supply system, operating from the site of its principal place of business in one county from charging customers in one municipality, or in any unincorporated area within any county at a higher rate than customers in any other municipality or unincorporated area within the county of its principal place of business; and prescribing penalties for violations.

MOTION TO POSTPONE TABLED

On motion of Rep. Biddle, the motion offered by Rep. Harrison to postpone consideration of the bill, H. 651, to the fifteenth legislative day, was tabled.

Yeas 39; Nays 5.

Yeas:

Reps.: Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Cheatwood, Cooley, Dial, Edwards, Escott, Gafford, Gilmer, Greer, Grimsley, Grouby, Harper (T), Jackson, Laird, Lewis, Minus, Moore, Naramore, Nevett, Owens, Payne, Pegues, Rains, Ray, Sasser, Trammell, Waggoner, Ward and Whatley.

—39

Nays: Reps.: Hall, Harrison, Holmes, Johnson (R. G.) and Tucker

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Amari:

H. R. 193. COMMENDING MARTHA SPAIN GASKINS.

H. 651 RESUMED
SUBSTITUTE OFFERED

Rep. Biddle offered the following substitute to the bill, H. 651:

A BILL
TO BE ENTITLED
AN ACT

Prohibiting any public water supply system, supplying three or more municipalities, and operating from the site of its principal place of business in one county from charging customers in one municipality, or in any unincorporated area within any county at a higher rate for water or for maintenance and use of fire plugs than customers in any other municipality or unincorporated area within the county of its principal place of business; and prescribing penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. No public water supply system, supplying three or more municipalities, shall charge customers within one municipality, or in any unincorporated area within any county at a higher rate for water or for maintenance and use of fire plugs than customers in any other municipality or unincorporated area within the county which is the site of its principal place of business.

Section 2. Any person, firm or corporation who violates the provisions of this act shall be guilty of a Class C misdemeanor and, upon conviction thereof, shall be punished as provided by law. Each instance of violation shall be considered a separate offense.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 47; Nays 3.

Yeas:

Reps.: Adams (C), Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Cheatwood, Cobb, Cooley, Cosby, Crow, Daniels, Dial, Edwards, Gafford, Gilmer, Greer, Grimsley, Grouby, Harper (O), Harper (T), Holley, Johnson (R. G.), Kennedy, Laird, Lewis, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Rains, Sasser, Shoemaker, Starkey, Stewart, Trammell, Waggoner, Ward, Warren and Zoghby.

Nays: Reps. Horn, Jackson and Tucker.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO POSTPONE TABLED

On motion of Rep. Biddle, the motion offered by Rep. Harrison to postpone further consideration of the bill, H. 651 as amended, to the sixteenth legislative day, was tabled.

Yeas 42; Nays 10.

Yeas:

Reps.: Adams (C), Adams (H), Amari, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Cheatwood, Cosby, Crow, Dial, Edwards, Ford, Gafford, Gilmer, Greer, Grouby, Harper (T), Johnson (R. G.), Kelley, Laird, Lewis, Minus, Moore, Naramore, Owens, Patton, Payne, Pegues, Rains, Reed, Sasser, Stout, Trammell, Waggoner, Ward, Whatley, Williams and Zoghby.

—42

Nays:

Reps.: Buskey, Clark (W), Escott, Holmes, Horn, Howard, Jackson, Nevett, Olive and Tucker.

—10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 651. Prohibiting any public water supply system, supplying three or more municipalities, and operating from the site of its principal place of business in one county from charging customers in one municipality, or in any unincorporated area within any county at a higher rate for water or for maintenance and use of fire plugs than customers in any other municipality or unincorporated area within the county of its principal place of business; and prescribing penalties for violations.

As thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 10.

Yeas:

Reps.: Adams (C), Adams (H), Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Cosby, Crow, Dial, Edwards, Gafford, Gilmer, Greer, Harper (O), Harper (T), Johnson (R. G.),

Kelley, Laird, Minus, Moore, Naramore, Owens, Patton, Payne, Pegues, Rains, Reed, Riddick, Sasser, Smith (J), Trammell, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—44

Nays:

Reps.: Buskey, Clark (W), Escott, Harrison, Holmes, Horn, Jackson, Nevett, Olive and Tucker.

—10

And the bill:

H. 39. (With Amendment): To amend Section 17-6-13 of the Code of Alabama 1975 relating to compensation of election officers, so as to increase such compensation.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said Committee substitute being as follows:

Amend H. B. 39 on page 1, Section 1, line 24 by striking the word \$.10 and inserting in lieu thereof, the following: \$.25

And the amendment was adopted.

Yeas 65: Nays 1.

Yeas:

Reps.: Adams (C), Adams (H), Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (W), Cobb, Cooley, Cosby, Dial, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Horn, Jackson, Kelley, Laird, Langford, Letson, McKee, Minus, Moore, Naramore, Nevett, Olive, Parker, Patton, Payne, Pegues, Rains, Ray, Riddick, Sandusky, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Venable, Waggoner, Ward, Warren, Williams, Wyatt and Zoghby.

—65

Nay: Rep. McMillan.

—1

MOTION TO RECOMMIT LOST

According to the Rules of the House, the Speaker requested the House to vote on the motion offered by Rep. Manley to recommit the bill, H. 39 as amended, to the Standing Committee on Local Government, and the motion to recommit was lost.

Yeas 19; Nays 51.

Yeas:

Reps.: Bedsole, Biddle, Coburn, Dial, Grimsley, Hall, Johnson (R. G.), Laird, Moore, Naramore, Olive, Owens, Pegues, Rains, Sandusky, Sasser, Shoemaker and Whatley.

—19

Nays:

Reps.: Adams (C), Adams (H), Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Crow, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grouby, Hammett, Harper (O), Harper (T), Holmes, Horn, Howard, Kelley, Kennedy, Langford, Letson, McKee, Minus, Nevett, Parker, Patton, Payne, Ray, Reed, Riddick, Smith (C), Smith (J), Smith (M), Stewart, Stout, Venable, Waggoner, Warren, Wyatt and Zoghby.

—51

And the bill, H. 39 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Horn, Howard, Jackson, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—84

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 39:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Escott, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holmes, Johnson (R. G.), Kelley, Laird, Langford, McMillan, Minus, Naramore, Nevett, Parker, Patton, Penry, Rains, Ray, Reed, Riddick, Sandusky, Smith (C), Smith (J), Smith (M), Starkey, Stout, Tucker, Venable, Warren and Wyatt.

And the bill:

H. 215. To authorize the investigators of the State Board of Medical Examiners to enforce the provisions of the Alabama Uniform Controlled Substances Act and to grant to such investigators the powers of peace officers in the performance of their duties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 1.

Yeas:

Reps.: Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood,

Clark (G), Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Riddick, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Trammell, Turnham, Venable, Waggoner, Ward, Whatley, Williams and Wyatt.

—68

Nay: Rep. Rains.

—1

And the bill:

H. 425. To prescribe the time within which a prosecution under the competitive bid laws must be commenced.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Lewis, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Tucker, Venable, Waggoner, Ward, Warren, Whatley, Williams and Wyatt.

—76

MOTION TO ADJOURN LOST

The motion offered by Rep. Goodwin that the House adjourn until 1:00 o'clock p.m., Tuesday, March 31, 1981, was lost.

Yeas 21; Nays 51.

Yeas:

Reps.: Brakefield, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Ford, Goodwin, Grimsley, Horn, Kelley, Kennedy, Langford, Olive, Parker, Reed, Smith (J), Trammell, Whatley and Wyatt.

—21

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Cabaniss, Campbell, Carothers, Cates, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Gilmer, Greer, Gregg, Hall, Hammett, Harper (T), Howard, Johnson (R. G.), Laird, Lewis, McKee, Minus, Naramore, Owens, Patton, Payne, Pegues, Rains, Ray, Riddick, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Stewart, Tucker, Venable, Waggoner, Ward and Williams.

—51

SPECIAL ORDER RESUMED

And the bill:

H. 414. (With Amendments): To amend Chapter 18 of Title 40, Code of Alabama 1975, to provide for the collection of debts owed to the State by setoff of such debts against income tax refunds; to define terms; to prescribe procedures for such setoff; to provide for hearings and appeals in contested cases; to permit the department of revenue to transfer an amount equal to income tax refunds to a claimant agency for the purpose of offsetting such refunds against debts owed to the claimant agency; to provide an effective date; to repeal conflicting laws; and for other purposes.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on State Administration, said committee amendment being as follows:

AMENDMENT TO H. B. NO. 414

Amend Section 1, Page 5, Line 37 by deleting the following:

The Department of Revenue shall be appropriated the sum of \$25,000.00 annually to cover the administrative cost to the Department for the administration of this article.

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Reps.: Amari, Barton, Bedsole, Bennett, Bowling, Brakefield, Cabaniss, Carothers, Cheatwood, Clark (G), Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Ray, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Whatley, Williams, Wyatt and Zoghby.

—62

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. B. 414 on page 1, Section 1, line 32 by striking after the word "means" and includes and inserting in lieu thereof, the following: only.

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Reps.: Adams (C), Amari, Barton, Bedsole, Bennett, Bowling, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Horn, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Lewis, McKee, Manley, Minus,

Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Sasser, Sheomaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. B. 414, on page 5, Section 40-18-93, lines 6, 7, 8, and 9 by striking the entire section and renumbering subsequent sections accordingly.

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Reps.: Adams (C), Barton, Bedsole, Bennett, Blake, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Reed, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—67

And the bill, H. 414 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Bowling, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, McKee, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—70

CO-SPONSOR ADDED

Rep. Cosby was added as co-sponsor to the bill, H. 414.

S. 284 SUBSTITUTED FOR H. 305

On motion of Rep. Sandusky, the bill, S. 284, was substituted for the bill, H. 305.

And the bill:

S. 284. (With Amendment): To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend Senate Bill 284, Section 1, Page 2, Line 13, after the stricken language by deleting the following:

Effective April 1, 1981, each of the above rates shall increase by an amount equal to fifteen per cent (15%).

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Dial, Dixon, Edwards, Escott, Gafford, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Trammell, Venable, Waggoner, Warren, Whatley, Willis, Wyatt and Zoghby.

—61

And the bill, S. 284 as thus amended, was read a third time at length and passed.

Yeas 72; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cooley, Cosby, Crow, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—72

H. 305 INDEFINITELY POSTPONED

On motion of Rep. Sandusky, the bill:

H. 305. (With Amendment): To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

Was indefinitely postponed.

And the bill:

H. 483. To amend Section 36-17-3, Code of Alabama 1975, which relates to powers and duties of the state treasurer, so as to provide further for access to the combination to the state treasury vault, and for the signing of state warrants.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Biddie, Blake, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Ford, Gafford, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Johnson (R. G.), Laird, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Reed, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Venable, Warren, Williams, Willis, Wyatt and Zoghby.

—59

And the bill:

H. 499. To amend section 28-3A-21 of the Code of Alabama 1975 relating to license fees levied for the sale of certain alcoholic beverages, so as to provide further for such licenses for certain clubs.

As postponed on the eleventh legislative day with pending amendment, was taken up.

SUBSTITUTE OFFERED

Rep. Minus offered the following substitute to the bill, H. 499 with pending amendment:

A BILL TO BE ENTITLED AN ACT

To amend Act No. 80-529, Acts of Alabama 1980, Section 2(f), now appearing as Chapter 3A, Title 28, Code of Alabama 1975 and also to provide further license fees for clubs.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Section 2(f) of Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 2(7), Title 28, Code of Alabama 1975, is hereby amended to read as follows:

(f) Club. Class I. A corporation or association organized or formed in good faith by authority of law and which must have at least 150 paid-up members. It must be the owner, lessee or occupant of an establishment

operated solely for the objects of a national, social, patriotic, political or athletic nature or the like, but not for pecuniary gain, and the property as well as the advantages of which belong to all the members and which maintains an establishment provided with special space and accommodations where, in consideration of payment, food with or without lodging is habitually served. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.

Class II. A corporation or association organized or formed in good faith by authority of law and which must have at least 150 paid-up members. It must be the owner, lessee or occupant of an establishment operated solely for the objects of a national, social, patriotic, political or athletic nature or the like. The club shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot and charge and collect dues from elected members.

SECTION 2. Section 21(h) of Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 21(a)(8), Title 28, Code of Alabama 1975, is hereby amended to read as follows:

(h) Club liquor license, license fee \$750.00. Class I license fee \$300.00, Class II license fee \$750.00

SECTION 3. All laws or parts of laws, local, special or general, which conflict or are inconsistent with this Act are hereby repealed.

SECTION 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 67; Nays 4.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Drinkard, Edwards, Escott, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Johnson (R. G.), Kennedy, Langford, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Penry, Riddick, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—67

Nays: Reps.: Rains, Ray, Stout and Ward.

—4

And the bill:

H. 499. To amend Act No. 80-529, Acts of Alabama, Section 2(f), now appearing as Chapter 3A, Title 28, Code of Alabama 1975 and also to provide further license fees for clubs.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 6.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Daniels, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Kelley, Kennedy, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Patton, Payne, Penry, Riddick, Sandusky, Sasser, Smith (J), Smith (M), Stewart, Trammell, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—66

Nays:

Reps.: Adams (C), Dial, Holley, Johnson (R. G.), Smith (C), and Ward.

—6

And the bill:

H. 502. To authorize certain minors to consent to the donation of bone marrow for purposes of bone marrow transplantation and authorize a parent or legal guardian of all other minors to consent to such bone marrow transplantation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Gilmer Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Johnson (R. G.), Kelley, Kennedy, Langford, McKee, McMillan, Manley, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Penry, Rains, Ray, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—69

And the bill:

H. 166. To provide for the definition, appointment, and removal of bank investigators and to specify the qualifications and powers of bank investigators and the responsibilities of the employing bank.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cooley, Cosby, Crow, Daniels, Dial, Edwards, Escott, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holmes, Johnson (R. G.), Kelley, Kennedy, McKee, McMillan, Manley, Naramore, Nevett, Olive, Owens, Patton, Payne, Penry, Rains, Ray, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

And the bill:

H. 547. To amend Section 25-4-75, Code of Alabama 1975, as last amended, to comply with the requirement of federal law as contained in Public Law 96-499 relating to benefits under the extended benefit program so as to provide for a limit to the first 2 weeks of benefits paid on an interstate claim filed in an agent state where no extended benefit period is in effect; to provide restrictions on eligibility for such benefits to individuals who fail to accept any offer of suitable work and to define "suitable work", actively engage in systematic and sustained effort to find work and to furnish tangible evidence of such efforts; to provide penalties for violations thereof; and to meet the requirements that these provisions become effective for weeks of unemployment commencing after March 31, 1981.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 7.

Yeas:

Mr. Speaker, Barton, Bedsole, Biddle, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Daniels, Dial, Edwards, Escott, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holley, Holmes, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Reed, Riddick, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—68

Nays:

Reps.: Bennett, Blake, Coburn, Cooley, Crow, Drinkard and Trammell.

—7

And the bill:

H. 473. To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 327 relating to the promotion of production, research and development of swine and swine products so as to provide for a change in the assessment and assessment limits to be levied for such promotion.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Reed, Riddick, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—86

CO-SPONSOR ADDED

Rep. Smith (J) was added as co-sponsor to the bill, H. 473.

And the bill:

H. 474. To propose an amendment to the Constitution of Alabama of 1901; to amend Constitutional Amendment No. 315 relating to the promotion of production, distribution, improvement, marketing, use and sale of soybeans and soybean products so as to provide for a change in the assessment limits to be levied for such promotion.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Reed, Riddick, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—83

CO-SPONSOR ADDED

Rep. Smith (J) was added as co-sponsor to the bill, H. 474.

S. 331 SUBSTITUTED FOR H. 498

On motion of Rep. Smith (C), the bill, S. 331 was substituted for the bill, H. 498.

And the bill:

S. 331. To amend Section 2-8-9 and repeal Section 2-8-14 of the Code of Alabama 1975 providing for a promotional program for the production, marketing, use and sale of cattle so as to further provide for the length of the period of assessment after a referendum on that subject and to repeal provisions providing for an election by cattle owners not to pay an assessment.

Was read a third time at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Drinkard, Edwards, Escott, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Holmes, Howard, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Venable, Waggoner, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

H. 498 INDEFINITELY POSTPONED

On motion of Rep. Smith (C), the bill:

H. 498. To amend Section 2-8-9 and repeal Section 2-8-14 of the Code of Alabama 1975 providing for a promotional program for the production, marketing, use and sale of cattle so as to further provide for the length of the period of assessment after a referendum on that subject and to repeal provisions providing for an election by cattle owners not to pay an assessment.

Was indefinitely postponed.

MOTION TO ADJOURN LOST

The motion offered by Rep. Reed that the House adjourn until 1:00 o'clock p.m., Tuesday, March 31, 1981, was lost.

Yeas 23; Nays 53.

Yeas:

Reps: Blake, Buskey, Cheatwood, Clark (W), Cobb, Cooley, Goodwin, Gregg, Grimsley, Hammett, Harper (O), Holmes, Jackson, Langford, Olive, Reed, Sasser, Smith (J), Stewart, Trammell, Warren, Williams and Wyatt.

—23

Nays:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Bowling, Brakefield, Cabaniss, Carothers, Cates, Cosby, Crow, Dial, Dixon,

Drinkard, Edwards, Ford, Gafford, Grouby, Hall, Harper (T), Howard, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Minus, Moore, Naramore, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Shoemaker, Smith (C), Smith (M), Starkey, Stout, Turner, Venable, Waggoner, Whatley, Willis and Zoghby.

—53

SPECIAL ORDER RESUMED

And the bill:

H. 482. (With Amendment): Prescribing certain procedures which shall govern the sale or leasing of any public lands belonging to the state or any of its agencies or departments.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

On page 2, line 11, insert a new Section 3 and renumber subsequent sections accordingly:

Section 3. All lots, tracts or parcels with a perceived value of \$5,000.00 or less based on current fair market price are hereby exempt from the provisions of this Act.

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Johnson (R. G.), Kelley, Laird, Lewis, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—67

And the bill, H. 482 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harrison, Jackson, Johnson (R. G.), Kelley, Laird, Langford, Lewis, McMillan, Moore, Naramore, Nevett, Olive, Owens,

Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Williams, Willis, Wyatt and Zoghby.

—70

And the bill:

H. 239. To amend § 36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department of Insurance in examinations of insurers conducted outside of the State of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Holley, Holmes, Johnson (R. G.), Kelley, Langford, Lewis, McMillan, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Sasser, Shoemaker, Smith (M), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Williams, Wyatt and Zoghby.

—67

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 297. To define capital offenses; to provide for a sentence of life imprisonment without parole or death as punishment for capital offenses; to provide for the trial of capital offenses; to provide for sentence proceedings to be conducted following a conviction for a capital offense; to provide for appellate review of convictions and sentences in cases in which defendants are sentenced to death; to provide for the Alabama Supreme Court to promulgate pattern indictment forms, verdict forms, and jury instructions for use in cases tried under this act; to provide for the manner in which the act is to be interpreted and if necessary re-interpreted to provide for severability, to specify the way the act is to be applied if the death penalty provisions of it are declared unconstitutional and cannot be re-interpreted to provide a constitutional death penalty; to specify the conduct to which the act applies; to repeal Code of Alabama 1975, § 13-11-1 through § 13-11-9, also codified as § 13A-5-30 through § 13A-5-38 (the existing death penalty statute), and any other laws or parts of laws in conflict herewith; and to provide an effective date.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

S. 150 SUBSTITUTED FOR H. 178

On motion of Rep. Naramore, the bill, S. 150, was substituted for the bill, H. 178.

And the bill:

S. 150. To provide for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

Was read a third time at length and passed.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harrison, Holley, Howard, Johnson (R. G.), Kelley, Laird, Langford, Lewis, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Sasser, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Trammell, Ward, Warren, Williams, Willis and Wyatt.

—72

Nay: Rep. Manley.

—1

H. 178 INDEFINITELY POSTPONED

On motion of Rep. Naramore, the bill:

H. 178. This bill provides for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and Reclamation Act of 1977;" to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide

certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

Was indefinitely postponed.

And the bill:

H. 549. To provide for the rate of interest on overdue or overpaid taxes administered by the state department of revenue; and to provide that the percentage of such tax in excess of the present rate of interest assessed by the said department shall be deposited in the general fund of the state treasury.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bedsole, Biddle, Blake, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Howard, Johnson (R. G.), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Shoemaker, Smith (C), Smith (M), Stewart, Stout, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

And the bill:

H. 527. (With Amendments): To license and regulate grain dealers under the State Department of Agriculture and Industries; to require posting of bonds by dealers for the benefit of producers; to provide for inspection and investigation of grain dealers' operations and provide for hearings and suspension or revocation of grain dealers' licenses.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Agriculture and Forestry, said committee amendment being as follows:

Amend House Bill 527, page 2, line 13, after the word "A" by striking the word producer and inserting in lieu thereof the following word farmer

Further amend House Bill 527, page 2, lines 20 and 21 after the words "by a" by striking soy bean and inserting in lieu thereof the following word grain

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Carothers, Cates, Cheatwood, Clark (G.), Clark (W), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott,

Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holley, Johnson (R. G.) Laird, Langford, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Penry, Rains, Ray, Reed, Sasser, Shoemaker, Smith (C), Stewart, Stout, Trammell, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—63

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Agriculture and Forestry, said committee amendment being as follows:

Amend House Bill 527 on page 5, section 6, line 18, after the word "policy" by striking the period and adding in lieu thereof a semicolon

Further amend House Bill 527 on page 5, section 6, line 18 after the word "policy." by adding the following language: and further, the Commissioner shall be responsible to assure notice of insurance cancellation is given to all depositors of grain within 30 days from date of notice from the principle or insurance company.

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Biddle, Blake, Brakefield, Buskey, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Johnson (R. G.), Kelley, Laird, Langford, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Reed, Sasser, Shoemaker, Smith (C), Stewart, Trammell, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—65

And the bill, H. 527 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Johnson (R. G.), Kelley, Laird, Langford, Lewis, McKee, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Reed, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—74

CO-SPONSOR ADDED

Rep. Hammett was added as co-sponsor to the bill, H. 527.

NOTICE IN WRITING

Rep. Ward filed the following Notice in Writing:

Notice is hereby given in accordance with House Rule 6, that on the next legislative day, I will introduce a resolution to change the Rules of the House to add a rule as follows:

Any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill, provided, however, that this rule shall not apply to any legislation relating to any county where pari-mutuel betting is currently allowed.

SPECIAL ORDER RESUMED

And the bill:

H. 154. To establish standards under which municipalities, in Classes 7 and 8, may purchase personal services or personal property from the elected officials of such municipalities; to require disclosures; to establish procedures; and to repeal conflicting laws and statutes.

Was taken up.

SUBSTITUTE OFFERED

Rep. Edwards offered the following substitute to the bill, H. 154:

A BILL
TO BE ENTITLED
AN ACT

To establish standards under which municipalities, in Classes 7 and 8, may purchase personal services or personal property from the elected officials of such municipalities under certain enumerated circumstances and conditions; to require disclosures; to establish procedures; and to repeal conflicting laws and statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any statute or law to the contrary, any municipality, in Class 7 or 8, may legally purchase from any of the elected officials of such municipality any personal service or personal property, provided the elected official is the only domiciled vendor of the personal service or personal property within the municipality and such elected official may legally sell such personal service or personal property to the municipality. The cost or value of such personal service or personal property authorized to be obtained or purchased under this section of this Act shall in no event exceed the sum of \$2,000.00. The elected official, if he proposes to sell to the municipality, shall not participate in the decision-making process determining the purchase of such personal service or personal property but shall make any disclosure required by the provisions of the Code of Ethics for public officials, found in Chapter 25, Title 36, Code of Alabama, 1975. The governing body of such municipality shall determine and find that the elected official, from whom the purchase is to be made is the sole vendor domiciled in the municipality and that the selling price of such service or property is lower than could be obtained from a vendor domiciled outside the municipality, and, in making such determination, consideration may be given to the quality of service or property proposed to be supplied, conformity with specifications, purposes for which required, terms of delivery, transportation charges, and the date of delivery.

Section 2. Notwithstanding any statute or law to the contrary any municipality, in Class 7 or 8, may legally purchase from any of the elected officials of such municipality any personal service or personal property under the Competitive Bid Law procedures established by Article 3, Chapter 16, Title 41, Code of Alabama 1975, and such elected official may legally sell such personal service or personal property to such municipality under the procedures of said statutes. The elected official, if he proposes to bid, shall not participate in the decision-making process determining the need for or the purchase of such personal service or personal property, or in the determination of the successful bidder, and the governing body shall affirmatively find that the elected official, from whom the purchase is to be made, is the lowest responsible bidder as required by said statutes. It shall be the duty and responsibility of the municipality to file a copy of any contract awarded to any of its elected officials with the State Ethics Commission and all awards shall be as a result of original bid takings.

It is the intention of the Legislature by the adoption of this Act to specifically remove any statutory or legal prohibitions against municipalities, in Classes 7 and 8, dealing with their elected officials in the purchase of personal services or personal property.

Section 3. In the event an elected official offers to sell or submits a bid to the municipality, for the sale of personal property or a contract for furnishing personal services, the said official shall make full disclosure of his ownership or extent of ownership in the business organization with which he is associated. In the event the business organization is a partnership, the names and addresses and percentage of ownership of the partners shall be disclosed and, in the event the business organization is a corporation, the names and addresses and percentage of ownership of all stockholders shall be disclosed. The disclosure required hereunder, shall be made, under oath of the elected official, in the original submission to the municipality and in like manner in any contract or agreement entered into with the municipality.

Section 4. All laws or parts of laws which conflict with this Act are specifically repealed but only with respect to the authority herein given to incorporated municipalities and their elected officials in Classes 7 and 8.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holley, Johnson (R. G.), Kelley, Laird, Langford, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Williams, Willis and Wyatt.

And the bill:

H. 154. To establish standards under which municipalities, in Classes 7 and 8, may purchase personal services or personal property from the elected officials of such municipalities under certain enumerated circumstances and conditions; to require disclosures; to establish procedures; and to repeal conflicting laws and statutes.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Johnson (R. G.), Kelley, Kennedy, Langford, Lewis, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Rains, Ray, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—70

Nay: Rep. Holley.

—1

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Payne, the rules were suspended in order to take up out of order the bill, H. 34.

Yeas 24; Nays 0.

Yeas:

Reps.: Biddle, Blake, Cabaniss, Cheatwood, Gafford, Gilmer, Greer, Harper (O), Johnson (R. G.), Lewis, Moore, Olive, Patton, Payne, Riddick, Smith (C), Starkey, Stewart, Trammell, Waggoner, Ward, Warren, Whatley and Zoghby.

—24

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 34. Relating to Jefferson County; to provide for the composition of any county planning commission established under Act No. 344, H. 775, 1947 Regular Session (General Acts of 1947, p. 217) or Act No. 581, H. 1012, 1947 Regular Session (General Acts of 1947, p. 404); to provide for the division of the county into districts, and to provide for the appointment of the members from said districts.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 25; Nays 0.

Yeas:

Reps.: Amari, Barton, Bennett, Biddle, Blake, Cabaniss, Cheatwood, Gafford, Greer, Grouby, Johnson (R. G.), Kelley, Lewis, McMillan, Moore, Olive, Payne, Penry, Riddick, Starkey, Stewart, Trammell, Waggoner, Warren and Zoghby.

—25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Waggoner, the rules were suspended in order to take up out of order the bill, H. 162.

Yeas 16; Nays 1.

Yeas:

Reps.: Amari, Bennett, Biddle, Cabaniss, Cheatwood, Gafford, Goodwin, Greer, Lewis, Moore, Olive, Payne, Riddick, Starkey, Trammell and Waggoner.

—16

Nay: Rep. Zoghby.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 162. To repeal Act No. 707 of the Regular Session of the Legislature of Alabama of 1977 (Ala. Acts, 1977, pp. 1249 and 1250).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 28; Nays 0.

Yeas:

Reps.: Amari, Barton, Bennett, Biddle, Blake, Cabaniss, Carter, Cheatwood, Dial, Gafford, Gilmer, Greer, Grouby, Hall, Johnson (R. G.), Kelley, Lewis, Moore, Olive, Payne, Pegues, Riddick, Smith (C), Smith (J), Stewart, Trammell, Waggoner and Warren.

—28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 180. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MICHAEL ANTHONY DONALD.

Also:

H. J. R. 186. CONGRATULATING BIRMINGHAM-SOUTHERN COLLEGE ON ITS 125th ANNIVERSARY.

Also:

H. J. R. 187. HONORING MRS. RUTH E. OWEN.

Also:

H. J. R. 190. HONORING DEACON WILBORN SMITH ON THE OCCASION OF THE 100th ANNIVERSARY OF HIS BIRTH.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

H. 375. (With Amendments): To amend section 25-4-91, The Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, so as to permit a claim to be reopened and redetermined within two years after the end of the benefit year if the original determination was based upon false or misrepresented information.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend H. 375 as follows:

In the title on page 1, line 19, delete the words two years and insert the words one year in lieu thereof.

On page 4, line 7 and line 22, delete the words two years and insert the words one year, and

On page 4, line 11 and line 25, after the word "facts," insert the phrase whether or not intentional.

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Bedsole, Bennett, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holley, Johnson (R. G.), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Naramore, Nevett, Olive, Parker, Patton, Penry, Rains, Riddick, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—58

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on State Administration, said committee amendment being as follows:

House Bill 375 is amended by adding the following at the end of line 17 on page 4, following the word "determinations":

Except when the Director has written documentation that an interested party has made false statements or a misrepresentation of material facts or such party admits to such in writing or waives his right to a hearing, no redetermination shall be effectuated so as to interrupt the benefit status of a claimant until after the determinator has become final.

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (G), Cosby, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Grouby, Hammett, Harper (O), Harper (T), Holley, Johnson (R. G.), Kelley, Laird, Langford, Lewis, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Patton, Penry, Rains, Riddick, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—57

AMENDMENT OFFERED

Rep. Drinkard offered the following amendment to the bill, H. 375 as amended:

Amend Section 1 of H. B. 375 by striking the sentence beginning after the word "final" on page 5, line 19 and continuing through line 32 and add the following in lieu thereof:

"If an appeal is duly filed, any disputed benefits which may have been paid at any time prior to the final decision, which would not have been payable under the terms of the final decision, shall be determined to be an overpayment and the claimant shall be required to repay to the fund any such benefits. If an appeal is duly filed by an interested employer, wages in the base period paid by that employer shall not be determined to be employee's or employer's benefit wages for the purpose of the experience rating provisions

of section 25-4-54 until the decision on such appeal becomes final and in event the final decision allows benefits the charge to the employer's experience rating record will be made in the calendar quarter in which such decision becomes final."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Parker, Patton, Penry, Rains, Reed, Riddick, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Trammell, Venable, Waggoner, Ward, Warren, Williams, Willis and Zoghby.

—66

And the bill:

H. 375. To amend section 25-4-91, The Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, so as to permit a claim to be reopened and redetermined within one year after the end of the benefit year if the original determination was based upon false or misrepresented information.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Nays:

Mr. Speaker, Albright, Amari, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Howard, Johnson (R. G.), Kelley, Laird, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

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RESOLUTION

The following resolution was introduced:

By Reps. Venable and Johnson (R. G.):

H. J. R. 194. DESIGNATING THAT PORTION OF ALABAMA HIGHWAY 9, BETWEEN ITS JUNCTION WITH U.S. 231 AT

WETUMPKA IN ELMORE COUNTY TO ITS JUNCTION WITH U.S. 280 AT SOCAPATOY IN COOSA COUNTY, AS THE "OLD CENTRAL PLANK ROAD."

WHEREAS, significant in our state's history, as a pioneer venture in highway construction, were a number of toll roads chartered by the Alabama Legislature during the 1849-50 Session; and

WHEREAS, one such historic road was originally projected to run from Montgomery to Guntersville and thus continue connection between the waters of Mobile Bay and the Coosa and Tennessee Rivers; and

WHEREAS, though never brought to completion, some sixty miles of roadway were constructed of planks, piles and corduroy logs, and came to be known as "Central Plank Road"; portions of this historic road were found during construction of Alabama's present Highway 9; and

WHEREAS, the "plank" method was soon abandoned, however, when it became evident that the cost of construction, maintenance and upkeep far exceeded income derived from tolls charged by the roads' private builders and promoters; and

WHEREAS, though the last vestige of Alabama's plank roads has long since disappeared, it is fitting that we acknowledge, through appropriate designation, this historical phase in our state's road-building history; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate that portion of Alabama Highway 9, from its junction with U.S. 231 at Wetumpka in Elmore County to its junction with U.S. 280 at Socapatoy in Coosa County, as the "Old Central Plank Road."

BE IT FURTHER RESOLVED, That appropriate signs and markers shall be erected and maintained so designating said portion of highway as the "Old Central Plank Road."

The resolution, H. J. R. 194, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 227. (With Amendment): To amend Section 40-5-9 of the Code of Alabama 1975, relating to ad valorem taxation so as to provide a ten percent (10%) penalty for the delinquent payment of same and to increase the interest due thereon.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 227 on page 1, Section 2, Line 34, by striking after the word "after" all remaining words and substituting therefor the following:

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And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Crow, Daniels, Dial, Dixon, Edwards, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Johnson (R. G.), Kelley, Langford, Lewis, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Penry, Rains, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

—65

AMENDMENT OFFERED

Rep. Barton offered the following amendment No. 1 to the bill, H. 227 as amended:

Amend H. B. 227 on page 1, Section 3, line 35 by adding the following: Section 3 and renumbering the present Section 3 as Section 4:

Section 3. The penalty and interest provided for in this Act shall not apply to any ad valorem taxes which become delinquent due to no fault on the part of the taxpayer.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Coburn, Daniels, Dial, Dixon, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holley, Holmes, Johnson (R. G.), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Pegues, Penry, Rains, Ray, Reed, Shoemaker, Smith (C), Smith (J), Stewart, Stout, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

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AMENDMENT OFFERED

Rep. Barton offered the following amendment No. 2 to the bill, H. 227, as amended:

Amend H. 227 by deleting the words "when due" on line 25 and substituting in lieu thereof the words "before they are delinquent".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Coburn, Daniels, Dial, Dixon, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Howard, Johnson (R. G.), Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Reed, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

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And the bill, H. 227 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Daniels, Dial, Dixon, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Holley, Holmes, Howard, Johnson (R. G.), Kelley, Langford, Lewis, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Reed, Sasser, Shoemaker, Smith (C), Stewart, Stout, Venable, Waggoner, Ward, Warren, Williams, Willis, Wyatt and Zoghby.

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And the bill:

H. 216. Relating to the manufacture of prescription drugs requiring the identification of drug products; providing for an exemption in the case of hardship; providing for the disclosure of descriptive information; providing for the adoption of rules; providing for an exemption for drug products compounded by a pharmacist in a pharmacy; providing an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Blake, Brakefield, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Daniels, Dixon, Edwards, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harrison, Holley, Holmes, Kelley, Langford, Lewis, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Ray, Reed, Sasser, Smith (C), Smith (M), Stewart, Stout, Trammell, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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And the bill:

H. 186. (With Amendment): To establish the "Protection from Abuse Act"; to provide for proceedings to bring about the cessation of abuse from a

family violence disturbance; to provide for hearing, and including the following: injunctive relief directing defendant to refrain from abusing plaintiff, temporary orders of relief granting possession to the plaintiff of a residence or household to the exclusion of defendant, the awarding of temporary custody of and/or temporary visitation rights regarding minor children, temporary support for plaintiff and/or minor children, and emergency relief in an ex parte proceeding; and to provide that the defendants in such proceedings shall have the same rights, remedies and due process, where any wrongful action is instituted, as any defendant in other civil and criminal action.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend H. 186 as follows:

On page 2, in line 28, delete the period and add:

, or who otherwise is emancipated.

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Bedsole, Bennett, Biddle, Blake, Brakefield, Buskey, Carter, Cates, Cheatwood, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holley, Holmes, Langford, Lewis, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Rains, Sasser, Shoemaker, Smith (C), Smith (J), Stewart, Venable, Ward, Warren, Williams, Willis and Wyatt.

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And the bill, H. 186 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 5.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cates, Cheatwood, Clark (W), Coburn, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Holley, Holmes, Horn, Howard, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Sasser, Smith (J), Smith (M), Starkey, Stewart, Trammell, Venable, Waggoner, Ward, Warren, Willis, Wyatt and Zoghby.

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Nays: Reps.: McKee, Manley, Rains, Riddick and Smith (C).

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CO-SPONSORS ADDED

Reps. Cosby and Harrison were added as co-sponsors to the bill, H. 186.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolution and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:45 A.M. on March 26, 1981.

H. J. R. 173

Delivered to the Governor at 12:05 P.M. on March 26, 1981.

H. 616

H. 617

H. 618

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Clark (G) and pursuant to the resolution, H. R. 178, heretofore adopted, the House adjourned until 1:00 o'clock p.m., Tuesday, March 31, 1981.

Yeas 43; Nays 31.

Yeas:

Mr. Speaker, Adams (H), Albright, Bennett, Blake, Brakefield, Buskey, Cheatwood, Clark (G), Clark (W), Coburn, Crow, Dial, Dixon, Ford, Goodwin, Gregg, Grouby, Hall, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Langford, Letson, Manley, Minus, Nevett, Olive, Parker, Ray, Riddick, Sasser, Shoemaker, Stewart, Tucker, Warren, Willis and Wyatt.

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Nays:

Reps. Amari, Barton, Bedsole, Bowling, Cabaniss, Campbell, Carter, Cates, Drinkard, Gafford, Greer, Grimsley, Harper (T), Johnson (R. G.), Kelley, Lewis, McKee, McMillan, Moore, Naramore, Owens, Penry, Rains, Sandusky, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Venable and Waggoner.

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FIFTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, March 31, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend G. W. Richardson, Pastor, Hutchinson Street Baptist Church, Montgomery.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourteenth legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Biddle, the reading at length of the Journal of the House for the fourteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fourteenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Hines, due to illness.

RESOLUTIONS

The following resolutions were introduced:

By Rep. Biddle:

H. R. 195. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Tuesday, March 31, 1981, we adjourn to meet again on Thursday, April 2, 1981, at 10:00 a.m.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. R. 195, was adopted.

Also:

By Rep. Biddle:

H. J. R. 196. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That when we adjourn today, Tuesday, March 31, 1981, we adjourn to meet again on Thursday, April 2; when we adjourn on Thursday, April 2, we adjourn to meet again on Tuesday, April 7; when we adjourn on Tuesday, April 7, we adjourn to meet again on Wednesday, April 8; and when we adjourn on Wednesday, April 8, we adjourn to meet again on Tuesday, April 14, 1981.

On motion of Rep. Biddle, the rules were suspended and the resolution, H. J. R. 196, was adopted.

Also:

By Rules Committee:

H. R. 197. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business March 31, 1981, taking precedence over any other business of the House.

Report of Standing Committees.

Introduction of Bills and Resolutions.

Uncontested Local Bills.

By Mr. Manley:

H. 489. p. 47 Current use value

By Mr. Grouby:

H. 331. p. 20 Pre school exemption bill

By Rep. Owens:

H. 448. p. 66 Appropriation, Conservation Dept.

By Rep. Kelley:

H. 545. p. 59 Oil and gas production tax

By Rep. Kelley:

H. 546. p. 59 Oil and gas severance tax

By Rep. Biddle:

H. 327. p. 55 Casual sales

By Rep. Biddle:

H. 43. p. 13 Exempt drugs from sales tax

By Rep. Adams (C):

H. 71. p. 8 Counties to self insure

By Rep. Patton:

H. 121. p. 13 Revise juvenile age

By Rep. McDonald:

S. 112. p. 83 Airport authorities

By Rep. Bedsole:

H. 41. p. 13 Medicaid fraud

By Rep. Boles:

H. 464. p. 28 Medal of honor tags

By Rep. Waggoner:

H. 361. p. 52 Alabama Aviation Hall of Fame

By Rep. Roberts:

H. 359. p. 27 Firecrackers

By Rep. Langford:

H. 691. p. 94 Additional Circuit Judgeship

By Rep. Kennedy:

H. 559. p. 92 Child abuse

By Rep. Blake:

H. 210. p. 5 Wire fish baskets

By Rep. Smith (J):

H. 369. p. 17 County governing bodies

By Rep. Payne:

H. 406. p. 68 Hand guns

By Rep. Lewis:

H. 218. p. 22 Public health reports

By Rep. Sasser:

H. 363. p. 52 Parole officers, annuity

By Rep. Holley:

H. 6. p. 8 Alabama Capitol Complex

By Rep. Smith (C):

H. 512. p. 54 State capitol police officers

By Rep. Dixon:

H. 192. p. 22 Controlled Substances Therapeutic Research Act

By Rep. Williams:

H. 556. p. 68 Short barrel shot guns

By Rep. Pegues:

H. 742. p. 103 Labeling honey

By Rep. Bowling:

H. 422. p. 71 Permits garnishment of wages for child support

By Rep. Bowling:

H. 423. p. 71 Paternity suits, time limitation

By Rep. Gafford:

H. 287. p. 3 Extend provisions of Act 738

By Rep. Mitchell:

H. 734. p. 102 Funeral Services Board

By Rep. Campbell:

H. 353. p. 28 Abandoned motor vehicles

By Rep. Owens:

H. 153. p. 27 Election state employees, Personnel Board

By Rep. McKee:

H. 125. p. 39 Commission city elections

By Rep. McKee:

H. 129. p. 40 Mayor-council city elections

By Rep. Adams (C):

H. 336. p. 41 Highway Director, federal funds

By Rep. Harper (T):

H. 410. p. 27 Uniform plans for school construction

By Rep. Letson:

H. 63. p. 4 Fertilizer

By Rep. Letson:

H. 65. p. 4 Filing fee for public warehouses

By Rep. Sasser:

H. 563. p. 64 ABC Board, definitions

By Rep. Bowling:

H. 386. p. 103 Child labor

By Rep. Bowling:

H. 385. p. 65 Industrial Relations

By Rep. Smith (J):

H. 371. p. 53 Disabled veterans tags, design

By Rep. Greer:

H. 717. p. 97 Raise speed limits

By Rep. Parker:

H. 646. p. 74 Barber Board established

By Rep. Bennett:

H. 20. p. 26 Public employees payroll deduction

By Rep. Cates:

H. 321. p. 24 State Banking Board

By Rep. Willis:

H. 428. p. 36 Conservation Dept, property

By Rep. Holley:

H. 49. p. 2 Hospitals, itemized statements

On motion of Rep. Biddle, the resolution, H. R. 197, was adopted.

Also:

By Reps. Drinkard, Cabaniss, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 198. DEPLORING THE ATTEMPTED ASSASSINATION OF PRESIDENT RONALD REAGAN.

WHEREAS, the Legislature has been deeply shocked and is even yet stunned by the reprehensible attack on the life of President Ronald Reagan; and

WHEREAS, on March 30, 1981, the entire nation was rendered helpless in disbelief as it anxiously awaited word that our president was unharmed; and

WHEREAS, when we later learned that President Reagan had indeed been wounded, we were a fiercely angered people in our realization that the unthinkable had again occurred in our great nation; and

WHEREAS, our prayerful vigilance during our president's surgery has been rewarded by the joyous news that Mr. Reagan is in excellent condition and that the prognosis is highly favorable for total recovery from his wounds; and

WHEREAS, even as we rejoice in this news, we utterly condemn the actions of a man who would wantonly destroy a life and in so doing gravely injured not only our president but three other innocent men who were felled by the bullets fired by a vicious madman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in condemnation of this tragedy but in thankfulness that his life has been spared, we earnestly beseech that our president soon will be fully recovered from his wounds.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Ronald Reagan that he and his family may know of our shared concern for his well-being and of our warm best wishes for a speedy recovery.

On motion of Rep. Drinkard, the rules were suspended and the resolution, H. J. R. 198, was adopted.

BILLS ON SECOND READING

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 657. (With Substitute): To amend Section 34-9-6, Section 34-9-7, Section 34-9-9, Section 34-9-18, Section 34-9-19, Section 34-9-20, Section 34-9-42, Section 34-9-43, and Section 34-9-46, Code of Alabama 1975, relating to the practice and teaching of dentistry and providing for the licensing and regulation of persons engaged in the practice and teaching of dentistry, dental hygiene, or the operation of dental laboratories; providing further for the operation of the State Board of Dental Examiners; and to provide penalties for certain violations.

Rep. Carothers, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 802. To provide for the confidentiality of all written materials and activities concerning the accreditation, quality assurance, or similar function of any hospital, clinic, or medical staff.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 765. Relating to the City of Dothan Pension and Retirement System; further amending Sections 5 and 10 of Act No. 103, H. 363 of the 1953 Regular Session (Acts 1953, Vol. I, p. 145), as amended, so as to provide further for creditable service and the perpetuity of the system and relief of members already retired and future retirees.

H. 778. Relating to Clarke County; to provide for an expense allowance for the sheriff of the county.

H. 782. To provide for a certain road construction and improvement program in Washington County by imposing a certain additional fee on the cost of motor vehicle licenses issued in said county; to prescribe a certain schedule for such program with priorities to be determined by the county commission; to give said commission broad discretion as to plans for financing such program; to provide that such additional fee shall cease to be collected upon completion of such program and to provide that this Act shall become effective upon referendum approval by the electors of the county of such program.

H. 783. To propose an amendment to the Constitution of Alabama of 1901 relating to road bonds for Washington County.

The above bill was read a second time at length as required by the Constitution.

H. 804. To amend Act 81-139, relating to finance charges or taxes assessed against lands which are used for timber growing purposes and are located within Cleburne County, so as to rescind the provision for land sale under conditions that apply to satisfaction of ad valorem tax liens, and so as to provide that the Cleburne County Tax Collector will be responsible for making administrative rules and regulations, collecting funds, paying such funds to the Cleburne County Treasurer, and amending the effective date.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 302. (With Substitute) (With Amendments): Relating to Jefferson County; levying a fee on all hazardous waste, shipped or transported into, maintained or stored in, or created or disposed of in Jefferson County; to provide for the establishment of an inspection and monitoring authority for hazardous waste loading, unloading, storage and disposal facilities in Jefferson County; to provide for the collection of said fee; to provide for the disbursement of said fee; and to provide penalties for violations.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 684. Relating to Jefferson County; fixing the salary of the deputy probate judge.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 297. To define capital offenses; to provide for a sentence of life imprisonment without parole or death as punishment for capital offenses; to provide for the trial of capital offenses; to provide for sentence proceedings to be conducted following a conviction for a capital offense; to provide for appellate review of convictions and sentences in cases in which defendants

are sentenced to death; to provide for the Alabama Supreme Court to promulgate pattern indictment forms, verdict forms, and jury instructions for use in cases tried under this act; to provide for the manner in which the act is to be interpreted and if necessary re-interpreted; to provide for severability; to specify the way the act is to be applied if the death penalty provisions of it are declared unconstitutional and cannot be re-interpreted to provide a constitutional death penalty; to specify the conduct to which the act applies; to repeal Code of Alabama 1975, § 13-11-1 through § 13-11-9, also codified as § 13A-5-30 through § 13A-5-38 (the existing death penalty statute), and any other laws or parts of laws in conflict herewith; and to provide an effective date.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 180. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MICHAEL ANTHONY DONALD.

Also:

H. J. R. 186. Congratulating Birmingham-Southern College on its 125th Anniversary.

Also:

H. J. R. 187. HONORING MRS. RUTH E. OWEN.

Also:

H. J. R. 190. HONORING DEACON WILBORN SMITH ON THE OCCASION OF THE 100TH ANNIVERSARY OF HIS BIRTH.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Gregg (With Notice and Proof):

H. 806. To provide for and create the Huntsville-Madison County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 806, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Gregg (With Notice and Proof):

H. 807. To provide funding for education and school districts in Madison County by imposing in Madison County, Alabama (the "county"), an occupational license fee on persons engaged in trades, occupations and professions in the county and providing the method of reporting and collecting the fee; to provide that it shall be unlawful for any person to engage in or follow any trade, occupation or profession as defined in the Act without paying such fee; to provide for cases in which compensation is earned as a result of work done or services performed both within and without the county; to provide exemptions from the said fee and the provisions of this Act; to provide that employers are to withhold such fees and file returns each calendar quarter; to provide for situations in which returns must be filed by employees; to provide for the duties and powers of the Director of Revenue of the county in collecting and receiving such fees; to provide that information gained by such Director of Revenue or his agents or employees shall be confidential and impose penalties for breach of such confidentiality; to provide for interest and penalties to be paid if such fees remain unpaid; to provide for extension of time for making a return; to provide that such fees constitute a debt and that the said Director of Revenue may file suit in order to collect the fees; to provide that the said Director of Revenue may seek injunctive relief and an accounting; to provide that the said fees shall constitute a lien and to provide that such lien shall be superior to all other liens except the liens of ad valorem taxes, license taxes, and municipal assessments; to provide for the enforcement of the lien of the said fees; to provide that any taxpayer in disagreement with the assessment made against him with respect to any such fee may appeal to the Circuit Court of the county, and to prescribe the procedure of such appeal; to provide for the distribution of the net proceeds; to provide for the payment out of the proceeds of such fees of the costs of administration, collection, and enforcement relating to such fees, and that the remainder of such proceeds shall be paid to the school districts; to provide that should a court of competent jurisdiction declare or determine that the county or a municipality or municipalities required

hereunder to pay moneys to the school districts for education is for any reason not legally so required, the said Director of Revenue shall thereafter pay directly to the county general fund for education the share of the said fee which such municipality or municipalities or the county, as the case may be, would otherwise have received; to provide for penalties for violations; to repeal conflicting laws; to provide for a referendum election; to allow the county governing body the authority to levy such fee; to provide an effective date for this Act; and to provide that the provisions of this Act shall be severable.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 807, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Starkey:

H. 808. To amend section 35-11-211 of the Code of Alabama 1975; relating to priority of mechanics's and materialman's liens as to land and buildings or improvements thereon, so as to change the basis for priority from when the lien is created to when it is recorded.

Judiciary.

By Rep. Coburn (With Notice and Proof):

H. 809. To authorize the city of Tuscumbia to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 809, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner:

H. 810. Relating to privilege or license taxes on mortgages, deeds of trust, contracts of conditional sale or other instruments of like character received for record or for filing: To amend Section 40-22-2, Code of Alabama 1975, which provides for the payment of privilege or license taxes for recording or filing of mortgages, deeds of trust, contracts of conditional sale and other instruments of like character so as to provide an alternative procedure for the recording of instruments securing open end or revolving indebtedness with any interest in residential property, and to provide that such privilege or license taxes shall be based upon the maximum principal indebtedness to

be secured by such instrument at any time as stated in such instrument or any amendment thereto, irrespective of the cumulative amount advanced from time to time thereunder.

Ways and Means.

By Rep. Waggoner (With Notice and Proof):

H. 811. A bill to supplement the salaries of the Circuit Judges of the Tenth Judicial Circuit.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 811, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cosby, Edwards and Pegues (With Notice and Proof):

H. 812. Relating to Dallas County; to provide that the Probate Judge shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 812, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Blake:

H. 813. To exempt the Baptist Home for Senior Citizens, Inc. from all state, county and municipal taxes, licenses, fees and any other charges.

Ways and Means.

By Rep. Bowling:

H. 814. To provide that an additional fee shall be added to all hunting licenses sold in this state and used to pay rewards to any person who makes a citizen's arrest of, or reports, a night hunter who is subsequently convicted.

State Administration.

By Rep. Bowling:

H. 815. To prohibit any woman who has an illegitimate child and who receives public assistance for such child from receiving public assistance for more than the one illegitimate child.

State Administration.

By Rep. Bowling:

H. 816. To prohibit a woman who has delivered an illegitimate child from receiving any public assistance for such child until she has agreed to be sterilized.

State Administration.

By Reps. Bowling, Naramore and Letson:

H. 817. To adjust salaries of Alabama State Troopers to bring those salaries to a level equaling the compensation received by Alabama state law enforcement personnel of other state agencies; to appropriate money to implement this act and to repeal conflicting law.

Ways and Means.

By Rep. Sasser:

H. 818. To amend Section 5, Act No. 80-529, Acts of Alabama 1980, now appearing as Chapter 3A, Section 5, Title 28, Code of Alabama 1975 to provide further for the renewal of alcoholic beverage licenses.

Ways and Means.

By Rep. Dial (With Notice and Proof):

H. 819. Relating to Cleburne County; providing an additional expense allowance for the county tax assessor.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 819, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dial (With Notice and Proof):

H. 820. To provide for a special recording fee of \$1.50, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Clay County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 820, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Shoemaker, Dial and Moore (With Notice and Proof):

H. 821. Relating to Talladega County; amending Section 4 of Act No. 79-609, H. 947, 1979 Regular Session (Acts 1979, p. 1077), levying a license or privilege tax on malt or brewed beverages, so as to provide further for the distribution of the proceeds from such tax.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 821, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Willis:

H. 822. To amend Sections 9-11-59 and 9-11-267 of the Code of Alabama 1975, relating to the trapping of fur-bearing animals, so as to increase the residential trapper license fee; to exempt certain persons from license requirements; to provide further for identifying certain traps; to require the filing and keeping of certain reports and records by dealers; to require trappers to display their licenses to dealers; and to limit the type of pelts a dealer may purchase.

Natural Resources.

By Reps. Owens, McCorquodale, Manley, Dial and Sasser:

H. 823. To make further conditional appropriations of General Fund monies for the fiscal year ending September 30, 1981.

Ways and Means.

By Rep. Owens:

H. 824. To provide that beginning with the 1981-82 school year driver education shall not be a requirement for graduation and to further provide that county and city boards of education may offer driver education subject to such rules and regulations as the State Board of Education may adopt and to repeal Section 16-40-5 of the Code of Alabama of 1975.

Ways and Means.

By Rep. Harper (T) (With Notice and Proof):

H. 825. Relating to Mobile County; to authorize and empower the county commission to establish a solid waste management program.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 825, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Bedsole:

H. 826. To provide that in the event the National Health Planning and Resources Development Act of 1974 (P. L. 93-641) is repealed, or is not reauthorized by Congress, the following sections of the Code of Alabama, 1975, as amended, shall be repealed effective upon the last day of the Regular Session of the Alabama Legislature next following the repeal of P. L. 93-641: §22-21-260, §22-21-261, §22-21-263, §22-21-264, §22-21-265, §22-21-266, §22-21-267, §22-21-268, §22-21-269, §22-21-270, §22-21-271, §22-21-272, §22-21-274, §22-21-275, §22-21-276, §22-21-277, §22-4-1, §22-4-2, §22-4-3, §22-4-4, §22-4-5, §22-4-6, §22-4-7, §22-4-8, §22-4-9, §22-4-10, §22-4-11, §22-4-12, §22-4-13, and §22-4-17.

Health.

By Reps. Cates and Wyatt (With Notice and Proof):

H. 827. Relating to Crenshaw County; to provide for an additional expense allowance for election officials of said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 827, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cates and Wyatt (With Notice and Proof):

H. 828. Relating to Crenshaw County; to provide for an additional expense allowance for the members of the jury commission of said county.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 828, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dial (With Notice and Proof):

H. 829. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 829, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dial (With Notice and Proof):

H. 830. Relating to Clay County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 830, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dial (With Notice and Proof):

H. 831. Relating to Clay County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 831, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Dial (With Notice and Proof):

H. 832. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 832, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Warren, Grouby, McCorquodale, Kelley, Edwards, Manley, Pegues, Cosby, Cates, Turner, Smith (C), Williams, Showmaker and Dial:

H. 833. To repeal Sections 22-21-290 through 22-21-297 of the Code of Alabama 1975 otherwise known as "The Alabama Health Care Responsibility Act."

State Administration.

By Rep. Gafford (With Notice and Proof):

H. 834. Relating to Jefferson County; imposing a tax measured by gross sales or gross receipts derived from the sale of advertising space in newspapers, radio and television; providing for the enforcement and collection of the tax; and dedicating the proceeds of the tax for public transportation in the county.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 834, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Campbell:

H. 835. To define and regulate self-service facilities; to provide for a lien on property stored in such facilities; and to provide for the enforcement of said lien.

Judiciary.

By Reps. Smith (M), Roberts, Carter, Sasser, Turnham, Smith (J), Holley, Wyatt, Zoghby, Bennett, Starkey, Mitchell, Minus, Stout, Boles, Bedsole and Harper (T):

H. 836. To amend Section 28-4-287, Code of Alabama 1975, to prohibit any defendant or claimant who has been convicted of violating any prohibition law of this state within the last five years or any claimant or defendant who owned a vehicle which has been condemned within the last five years from executing a bond to retain possession of the vehicle pending the trial court ruling.

State Administration.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Stout:

H. R. 199. CONGRATULATING MRS. VISSIE BAKER McSPADEN ON HER 99TH BIRTHDAY.

Also:

The following resolutions were introduced:

By Rep. McKee:

H. J. R. 200. HONORING MARY AUTREY.

WHEREAS, Mary Autrey has served thirty-two years with the Alabama Forestry Commission with outstanding loyalty, hard work and perseverance; and

WHEREAS, Mary Autrey is retiring on Tuesday, March 31, 1981, after working solely with the Alabama Forestry Commission and has made many fine accomplishments and contributions for the Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mary Autrey be commended for her thirty-two years of service with the Alabama Forestry Commission.

BE IT FURTHER RESOLVED, That Mary Autrey receive a copy of this resolution so that she may know of this body's warm best wishes and high regard.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 200, was adopted.

Also:

By Rep. Ward:

H. R. 201. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Rules of the House are hereby amended to add a new Rule, Rule 27b to read as follows:

Rule 27b. Any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill, provided however, that this rule shall not apply to any legislation relating to any county where pari-mutuel betting is currently allowed.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Ward offered the motion to adopt the resolution, H. R. 201.

MOTION TO TABLE LOST

The motion offered by Rep. Gregg to table the motion offered by Rep. Ward to adopt the resolution, H. R. 201, was lost.

Yeas 31; Nays 49.

Yeas:

Mr. Speaker, Albright, Bedsole, Bennett, Buskey, Cabaniss, Clark (W), Coburn, Escott, Goodwin, Hall, Harrison, Holmes, Horn, Jackson, Kelley, Kennedy, Langford, Lewis, McMillan, Patton, Rains, Roberts, Seibels, Smith (J), Smith (M), Starkey, Stewart, Tucker, Turner and Waggoner.

—31

Nays:

Reps. Adams (C), Barton, Blake, Boles, Brakefield, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Drinkard, Edwards, Ford, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Laird, McKee, Manley, Minus, Mitchell, Moore, Olive, Parker, Pegues, Penry, Ray, Riddick, Shavers, Shoemaker, Smith (C), Stout, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—49

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 284. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 284. To amend further Code of Alabama, 1975, Title 33, Section 48, as amended, which relates to the pay of pilots, by revising the schedule of pilots' fees.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 198. DEPLORING THE ATTEMPTED ASSASSINATION OF PRESIDENT RONALD REAGAN.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 200. HONORING MARY AUTREY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 137. Relating to Sumter County; prescribing certain limitations on procedures for extending the corporate limits and boundaries of incorporated municipalities in said county.

Also:

H. 138. Relating to Choctaw County; to provide for the replacement of casings in certain wells located in the county.

Also:

H. 139. Relating to Sumter County; to provide for the replacement of casings in certain wells located in the county.

Also:

H. 316. Relating to the city of Scottsboro in Jackson County; to authorize the city governing body to establish a historic preservation commission and to adopt ordinances and regulations to protect historic architectural character and preserve the general historic character of the city by allowing the designation of historic districts, areas, and sites and adopting other provisions necessary to carry out the purposes of this act.

Also:

H. 420. Relating to Fayette County; to provide further for the compensation of certain election officers.

Also:

H. 567. Relating to Marion County; to provide for additional per diem payments to each member of the Board of Equalization.

Also:

H. 568. To repeal Act No. 158, 1969 Special Session, and Act No. 950, 1969 Regular Session, relating to compensation and expense allowances paid to the board of equalization in counties with a population of not less than 13,700 nor more than 14,300 inhabitants.

Also:

H. 569. Relating to Lamar County; providing for the amount of compensation to be paid members of the jury commission, board of equalization and the board of registrars.

Also:

H. 587. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Elmore County shall have or exercise police jurisdiction within Elmore County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Elmore County or over or on any person in Elmore County or property or business or trade or profession in Elmore County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Elmore County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Elmore County.

McDOWELL LEE,
Secretary.

H. R. 201 RESUMED

The question was again on the motion offered by Rep. Ward to adopt the resolution, H. R. 201.

SUBSTITUTE OFFERED

Rep. Gregg offered the following substitute to the resolution, H. R. 201:

Amend H. R. 201 by adding the following: provided however that nothing herein contained shall apply to any pending bill before the Legislature.

SUBSTITUTE TABLED

On motion offered by Rep. McKee, the substitute offered by Rep. Gregg to the resolution, H. R. 201, was tabled.

Yeas 47; Nays 27.

Yeas:

Reps. Adams (C), Barton, Blake, Brakefield, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Drinkard, Edwards, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Horn, Johnson (R. G.), Laird, Langford, McKee, Manley, Minus, Mitchell, Nevett, Olive, Parker, Pegues, Rains, Ray, Riddick, Seibels, Shavers, Shoemaker, Smith (C), Stout, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—47

Nays:

Mr. Speaker, Albright, Bedsole, Bowling, Buskey, Cabaniss, Clark (W), Cobb, Escott, Ford, Goodwin, Hall, Harper (T), Holmes, Jackson, Kelley, Kennedy, Letson, McMillan, Penry, Roberts, Smith (J), Smith (M), Starkey, Stewart, Tucker and Turner.

—27

MOTION TO POSTPONE TABLED

On motion of Rep. Ward, the motion offered by Rep. Albright to postpone further consideration of the resolution, H. R. 201, to the nineteenth legislative day, was tabled.

Yeas 48; Nays 32.

Yeas:

Reps. Adams (C), Barton, Blake, Boles, Brakefield, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Drinkard, Edwards, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Laird, McKee, Manley, Minus, Mitchell, Nevett, Olive, Parker, Pegues, Penry, Rains, Ray, Riddick, Shavers, Shoemaker, Smith (C), Stout, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—48

Nays:

Mr. Speaker, Albright, Bedsole, Bennett, Bowling, Buskey, Cabaniss, Carter, Clark (W), Coburn, Escott, Ford, Goodwin, Hall, Harper (T), Holmes, Horn, Kelley, Kennedy, Langford, Letson, Lewis, McMillan, Patton, Roberts, Seibels, Smith (J), Smith (M), Starkey, Stewart, Turner and Waggoner.

—32

RESOLUTION ADOPTED

On motion of Rep. Ward, the resolution, H. R. 201, was adopted.

Yeas 53; Nays 30.

Yeas:

Reps. Adams (C), Barton, Blake, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holley, Johnson (R. G.), Johnson (Roy), Laird, McKee, Manley, Minus, Mitchell, Nevett, Olive, Parker, Pegues, Penry, Rains, Ray, Riddick, Shoemaker, Smith (C), Stout, Trammell, Turnham, Venable, Ward, Warren, Whitley, Williams, Willis and Wyatt.

—53

Nays:

Mr. Speaker, Albright, Bennett, Buskey, Cabaniss, Clark (W), Escott, Goodwin, Hall, Harper (T), Harrison, Holmes, Horn, Howard, Jackson, Kelley, Kennedy, Langford, Letson, Lewis, McMillan, Patton, Roberts, Seibels, Smith (J), Smith (M), Starkey, Stewart and Tucker.

—30

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 492. Relating to Cleburne County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Dial, the House concurred in and adopted the Senate amendment to the bill, H. 492, said Senate amendment being as follows:

Amend H. B. 492 on line 27 by striking Said costs shall be collected in the same manner as other court costs and adding

The Sheriff shall bill the court from which the certain court papers arise and costs shall be paid to the county and deposited into the Sheriff's Department fund.

And the amendment was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Blake, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Crow, Dial, Edwards, Ford, Goodwin, Grimsley, Harper (O), Harper (T), Harvey, Holmes, Johnson (R. G.), Johnson (Roy), McKee, McMillan, Manley, Mitchell,

Naramore, Nevett, Olive, Penry, Ray, Seibels, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Warren, Williams, Willis and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 492 as thus amended, was again read at length and passed.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Crow, Dial, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, McKee, McMillan, Manley, Mitchell, Moore, Nevett, Olive, Owens, Penry, Ray, Roberts, Shavers, Shoemaker, Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Warren, Williams, Willis and Wyatt.

—63

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 493. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Dial, the House concurred in and adopted the Senate amendment to the bill, H. 493, said Senate amendment being as follows:

Amend H. B. 493 on line 22 by striking \$10.00 and adding \$5.00.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb,

Cosby, Crow, Dial, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Kelley, Langford, Letson, McKee, Manley, Mitchell, Moore, Nevett, Olive, Owens, Patton, Penry, Roberts, Shavers, Shoemaker, Smith (J), Starkey, Stout, Trammell, Turner, Turnham, Venable, Ward, Williams, Willis and Wyatt.

—58

And the bill, H. 493 as thus amended, was again read at length and passed.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Cosby, Crow, Dial, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, McKee, Mitchell, Moore, Nevett, Olive, Pegues, Penry, Rains, Roberts, Seibels, Shavers, Shoemaker, Smith (J), Stewart, Trammell, Turner, Turnham, Venable, Williams, Willis and Wyatt.

—53

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 494. Relating to Cleburne County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Dial, the House concurred in and adopted the Senate amendment to the bill, H. 494, said Senate amendment being as follows:

Amend H. B. 494 on line 22 by striking \$10.00 and adding \$5.00.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Cosby, Crow, Dial, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Langford, Letson, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Roberts, Seibels, Shavers, Shoemaker, Stewart, Stout, Trammell, Turner, Turnham, Venable, Ward, Willis and Wyatt.

—59

And the bill, H. 494 as thus amended, was again read at length and passed.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Carter, Cheatwood, Cobb, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Holmes, Johnson (R. G.), Kelley, Kennedy, Langford, Letson, McKee, McMillan, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Ray, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Willis and Wyatt.

—60

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 495. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Dial, the House concurred in and adopted the Senate amendment to the bill, H. 495, said Senate amendment being as follows:

Amend H. B. 495 on line 22 by striking \$12.50 and adding \$7.00.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carter, Cheatwood, Clark (W), Cobb, Cosby, Crow, Dial, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Holmes, Horn, Johnson (R. G.), Langford, McKee, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Penry, Rains, Ray, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Turnham, Venable, Waggoner, Warren, Williams, Willis and Wyatt.

—53

And the bill, H. 495 as thus amended, was again read at length and passed.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carter, Cheatwood, Cobb, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holmes, Johnson (R. G.), Langford, McKee, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Pegues, Penry, Rains, Ray, Roberts, Seibels, Shavers, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

—55

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 575. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year; to provide that the first fee schedule shall also be the fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Starkey, the House concurred in and adopted the Senate amendment to the bill, H. 575, said Senate amendment being as follows:

Amend H. B. 575 on page 1, line 15 by striking the word 1980 and inserting in lieu thereof the word 1981.

Further amend H. B. 575 on page 1, line 18 by striking the word 1980 and inserting in lieu thereof the word 1981.

Further amend H. B. 575 on page 2, Section 2, line 8 by striking the word 1980 and inserting in lieu thereof the word 1981.

Further amend H. B. 575 on page 2, Section 2, line 13 by striking the word 1980 and inserting in lieu thereof the word 1981.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Biddle, Blake, Bowling, Brakefield, Carter, Cheatwood, Cobb, Cosby, Crow, Edwards, Ford, Gafford, Goodwin, Grimsley, Hammett, Harper (O), Harper (T), Harvey, Holmes, Horn, Johnson (R. G.), Kennedy, Langford, McKee, McMillan, Mitchell, Moore, Naramore, Nevett, Olive, Pegues, Penry, Rains, Ray, Roberts, Seibels, Shavers, Shoemaker, Starkey, Stewart, Trammell, Turnham, Williams, Willis and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 575. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1981 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year; to provide that the first fee schedule shall also be the fee schedule for the 1981 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

As thus amended, was again read at length and passed.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Blake, Bowling, Buskey, Cabaniss, Carter, Cheatwood, Clark (W), Cobb, Cosby, Crow, Edwards, Ford, Gafford, Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holmes, Horn, Johnson (R. G.), Langford, McKee, McMillan, Mitchell, Moore, Naramore, Nevett, Olive, Pegues, Penry, Rains, Ray, Roberts, Seibels, Shavers, Showmaker, Starkey, Stewart, Trammell, Turnham, Ward, Williams, Willis and Wyatt.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Teague (With Notice and Proof):

S. 461. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 461, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 461. Local Legislation No.1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Callahan:

S. 308. To amend Section 37-2-1, Code of Alabama 1975 relating to defining the term "transportation company".

Also:

By Mr. Gullledge:

S. 155. To amend Sections 11-48-48 and 11-48-49, Code of Alabama 1975, which Sections relate to the payment of municipal improvement assessments, so as to liberalize the time for payments and to adjust interest rates; to provide an effective date.

Also:

By Mr. Kirkland:

S. 30. To recognize the right of an adult person to make a written directive instructing his physician to withhold life-sustaining procedures in the event of a terminal condition; to prescribe the procedure for executing such directive.

Also:

By Mr. Kirkland:

S. 174. To regulate the practice of soil classification; to provide for the registration of qualified persons as professional soil classifiers; to designate a state board of registration of soil classifiers; to provide for the appointment and compensation of its members; to fix the terms of the members of the board and to define the powers and duties of the board; to provide the minimum qualifications and other requirements for registration; to establish fees with expiration and renewal requirements; to provide that certain persons shall be exempt from the provisions of this Act; and to provide for the enforcement of this Act and prescribe criminal penalties for its violations.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 308. Commerce, Transportation and Utilities.

- S. 155. Local Government.
S. 30. Health.
S. 174. Agriculture and Forestry.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Proctor (With Notice and Proof):

S. 464. Relating to Chilton County: To authorize the Board of Health of said county to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Chilton County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 464, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

- S. 464. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Holmes, Keener, Britnell, Robertson, Mitchem, Barron, Denton, Lemaster, Harrison, Parsons, Martin, Hall, Gullledge, Vacca and Cook:

S. 106. To amend §40-17-220, Code of Alabama, 1975 to provide that purchases of gasoline, motor fuel and lubricating oil by city and county boards of education shall be exempt from taxation under the levy provided for in §40-17-220, Code of Alabama, 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

- S. 106. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Weeks:

S. 292. To amend Section 27-15-11, Code of Alabama, 1975, which relates to the reinstatement of lapsed life insurance policies, so as to make the maximum interest rate on amounts of overdue premiums and other indebtedness to the insurer, payable upon reinstatement, the same as the interest rate on policy loans as specified in the policy in accordance with Section 27-15-8, Code of Alabama, 1975.

Also:

By Messrs. Mitchem, Smith, Goodwin and Denton:

S. 123. To make a supplemental appropriation for the use of the State Department of Corrections for payment to the several counties for a portion of expenses incurred for the housing and confinement of state prisoners in county jails and to make such appropriation conditional upon the condition of the State General Fund and upon the approval of the Governor.

Also:

By Mr. Mitchem:

S. 278. To amend Section 8-17-85, Code of Alabama 1975, by raising annual permit fees from \$1.00 to \$10.00.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 292. Insurance.

S. 123. Ways and Means.

S. 278. Agriculture and Forestry.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Proctor:

S. 90. To amend Section 40-12-244 of the Code of Alabama 1975 relating to certain exemptions of the state license tax and registration fee so as to include the personal vehicle of each member of emergency medical services, volunteer fire departments and rescue squads.

Also:

By Mr. Proctor:

S. 99. To provide that any adult who is convicted of any felonious sexual offense upon a minor under the age of 16 shall not be eligible for parole.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 90. Ways and Means.

S. 99. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Little:

S. 188. To amend §16-24-31, Code of Alabama, 1975 as amended, to provide that not more than two members of the state tenure commission may be appointed from any one congressional district.

Also:

By Mr. Weeks:

S. 383. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the alcoholic beverage control board; to prohibit and make unlawful delivery of alcoholic beverages from without the state to within the state, except to the Alabama alcoholic beverage control board and its licensed manufacturers, importers, wholesalers and to warehouses; to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

Also:

By Mr. Goodwin:

S. 117. To amend Section 2-5-3 of the Code of Alabama 1975 so as to raise the per diem of appointive members of the Farmers Market Authority.

Also:

By Messrs. deGraffenried and Robertson:

S. 147. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to remove the limitations of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

Also:

By Messrs. deGraffenried and Robertson:

S. 148. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to remove the limitations of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system

or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Code of Alabama 1975; to provide an effective date.

Also:

By Mr. Figures:

S. 270. To repeal Section 12-12-73 of the Code of Alabama (1975), which presently appears to require a supersedeas bond in order to appeal from District Court to Circuit Court and thereby obtain a trial by jury.

Also:

By Mr. Vacca:

S. 144. To repeal Section 11-52-74, Code of Alabama 1975, and to amend Section 11-52-77, Code of Alabama 1975, which Sections relate to the procedures for adoption of zoning ordinances, so as to provide procedures and requirements of publication in a newspaper of general circulation within the municipality, or if no such newspaper is published to provide procedures and requirements of posting notice of proposed zoning ordinance, and notice shall be given of the time and place that such ordinances are to be considered and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

Also:

By Mr. Vacca:

S. 151. To amend §41-4-156, Code of Alabama, 1975, to add the municipal clerks of incorporated municipalities to the list of persons receiving acts of the Legislature.

Also:

By Mr. Teague:

S. 195. To amend Section 32-9-21, Code of Alabama, 1975, which provides for a maximum permissible length for any motor bus driven or operated upon Alabama highways so as to further provide for a maximum permissible width for any such motor bus and to repeal all laws in conflict therewith.

Also:

By Mr. Hilliard:

S. 311. To limit the liability of certain persons and organizations that donate and distribute food free of charge.

Also:

By Mr. St. John:

S. 65. To reopen the state employees' retirement system for persons who served as sheriff and also as county road commissioner for a prescribed period; to provide that such persons shall be eligible in such retirement system regardless of supernumerary status or status in any other pension plan; to prescribe the manner that such person shall pay into the retirement system; to provide for the employer's cost; and to prescribe the time for applying for participation in such retirement system. To further provide that the teachers' retirement system shall be reopened to grant additional service credit to certain teachers.

Also:

By Mr. St. John:

S. 108. To require the chief administrative official of each hospital to report to the Alabama State Board of Medical Examiners any disciplinary action taken concerning any physician when such action is related to professional ethics, medical incompetence, moral turpitude, or drug or alcohol abuse; to define disciplinary action; to require the report to be in writing and made within sixty (60) days of the date of the action; to require any professional society of physicians which takes formal disciplinary action against a member to report such action to the Alabama State Board of Medical Examiners when the action taken is related to professional ethics, medical incompetence, moral turpitude or drug or alcohol abuse; to require the report to be in writing and made within sixty (60) days of the action; to provide that any report made pursuant to this act shall be privileged from discovery; and to provide that the individual making the report shall be immune from liability.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 188. State Administration.
- S. 383. State Administration.
- S. 117. Ways and Means.
- S. 147. Local Government.
- S. 148. Local Government.
- S. 270. Judiciary.
- S. 144. Local Government.
- S. 151. Local Government.
- S. 195. Commerce, Transportation and Utilities.
- S. 311. Judiciary.
- S. 65. Ways and Means.
- S. 108. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Proctor (With Notice and Proof):

S. 463. Relating to Shelby County: To authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the

duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Shelby County, Alabama.

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, S. B. 463, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 463. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Barron:

S. J. R. 100. HONORING MR. CHARLES W. BECKER UPON HIS RETIREMENT AS ASSISTANT TO THE COMPTROLLER OF THE STATE OF ALABAMA.

WHEREAS, the retirement on March 31, 1981, of Mr. Charles W. Becker culminates a distinguished career in state service for more than 28 years; and

WHEREAS, a graduate of Bryant High School in his native New York City, Mr. Becker attended City College in New York for four years, enrolled in the School of Business Administration, and received his accounting certificate from the University of Alabama in 1954; and

WHEREAS, Mr. Becker is a veteran of World War II, discharged in 1946 following three years service in the United States Army Air Corps; and

WHEREAS, an active member of Montgomery's Saint Bede's Catholic Church, Mr. Becker also is involved in numerous charitable and civic affairs of his community; and

WHEREAS, Mr. Becker's longtime and loyal public employment began in 1952 with the State Board of Corrections; he joined the Comptroller's Office in 1958 where he has since remained, conscientiously performing his duties in a responsible manner and with extraordinary capability; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Charles W. Becker as a dedicated employee of the State of Alabama and sincerely wish him continued success in all future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Becker in token of our deep appreciation and high regard.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Holley, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 100, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: deGraffenried, Robertson, Cook, Bailey, Barron, Britnell, Callahan, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks and White.

S. J. R. 110. WELCOMING DR. JOAB THOMAS AS PRESIDENT OF THE UNIVERSITY OF ALABAMA.

WHEREAS, with enthusiasm and in praise, the Legislature of Alabama extends a cordial welcome to Dr. Joab Thomas as the 26th president of the University of Alabama; and

WHEREAS, Dr. Joab Langston Thomas is returning home to his native Tuscaloosa and to the University he previously served for 14 years, both as faculty member and in administrative capacities; and

WHEREAS, Dr. Thomas' academic credentials are impeccable and his reputation for administrative excellence has long preceded his return to the University; and

WHEREAS, a graduate of Harvard University, where he earned his bachelors, masters and doctoral degrees, Dr. Thomas first associated with the University of Alabama in 1961 as an assistant professor of botany, to be named head of that department in 1965; and

WHEREAS, during his former tenure at Alabama, Dr. Thomas also held positions as assistant dean in the College of Arts and Sciences, dean of Student Development and vice president for Student Affairs; he resigned in 1975 to accept his present position as chancellor of North Carolina State University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most warmly welcome Dr. Joab Langston Thomas as the 26th president of our historic University of Alabama.

BE IT FURTHER RESOLVED, That Dr. Thomas receive a copy of this resolution, tendered in praise and in anticipation of his long and successful tenure as University president.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Barton, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 110, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: deGraffenried, Robertson, Cook, Bailey, Barron, Britnell, Callahan, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, St. John, Smith, Taylor, Teague, Vacca, Weeks and White.

S. J. R. 109. EXPRESSING APPRECIATION TO DR. HOWARD GUNDY OF THE UNIVERSITY OF ALABAMA.

WHEREAS, Dr. Howard B. Gundy has served in prestigious capacity, since July 1, 1980, as acting president and chief executive officer of the University of Alabama; and

WHEREAS, a native of New York State, Dr. Gundy earned his bachelor's degree at Syracuse University, his master's degree at the University of Buffalo and his doctorate also at Syracuse; and

WHEREAS, he came to the University of Alabama in 1966 as a professor and the first dean of the new School of Social Work; from 1971 until 1978 he was vice president of Academic Affairs and also was named director of the University's Washington Office when it opened in 1977; and

WHEREAS, Dr. Gundy subsequently served as vice president for Research and Public Service and later as special counsel to the president from December 1979 until July 1, 1980 when he was named acting president and chief executive officer of the University of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express sincere gratitude to Dr. Howard B. Gundy for extraordinary service to the University of Alabama, both as acting president and in his many previous capacities of leadership.

BE IT FURTHER RESOLVED, That we wish Dr. Gundy every future success in continuing service to the University and direct that he receive a copy of this resolution, in expression of appreciation and in token of our warm regard.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Barton, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 109, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. White:

S. J. R. 96. TO REQUEST A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF \$1.2 MILLION IN STATE FUNDS TO THE DEPARTMENT OF PENSIONS AND SECURITY FOR THE SPECIFIC PURPOSE OF DEVELOPING AN ADEQUATE DATA PROCESSING SYSTEM FOR THE AGENCY'S PUBLIC ASSISTANCE PROGRAMS.

WHEREAS, the state Department of Pensions and Security's lack of a sufficient data processing capability results in increased cost to the state and its taxpayers through uneconomical use of manpower and mistakes in payments and eligibility determination, and

WHEREAS, improvements in the agency's data processing system would result in reduced errors and lower costs for public welfare, increased detection of welfare fraud, improved efficiency and productivity among social workers, and provision of more accurate and timely benefits to recipients; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we hereby respectfully request the Governor of the State of Alabama to release immediately a \$1.2 million dollar supplemental appropriation to the Department of Pensions and Security for the purpose of developing an adequate Data Processing System.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 96, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Messrs. Goodwin and Robertson:

S. J. R. 93. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MR. PATRICK H. PETTWAY OF GREENE COUNTY, ALABAMA.

Also:

By Messrs. Robertson and Goodwin:

S. J. R. 94. DESIGNATING PROFESSIONAL SECRETARIES WEEK AND PROFESSIONAL SECRETARIES DAY IN ALABAMA.

Also:

By Messrs. Robertson and deGraffenried:

S. J. R. 95. DESIGNATING PROFESSIONAL SECRETARIES WEEK AND PROFESSIONAL SECRETARIES DAY IN TUSCALOOSA COUNTY, ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 93, S. J. R. 94 and S. J. R. 95, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Holmes:

S. J. R. 103. HONORING MRS. EDRIS SPEER UPON HER RETIREMENT FROM THE HEALTH CARE INDUSTRY OF ALABAMA.

Also:

By Mr. Miller:

S. J. R. 104. COMMENDING MR. YANCY PARKER, PROMINENT ENTERPRISE BUSINESS AND CIVIC LEADER.

Also:

By Mr. Miller:

S. J. R. 105. COMMENDING MR. WARREN H. BROWN, DISTINGUISHED UNITED STATES ARMY VETERAN AND LONGTIME SUPPORTER OF THE AMERICAN LEGION.

Also:

By Mr. Miller:

S. J. R. 106. HONORING MR. GEORGE JOHNSON UPON HIS RETIREMENT AS ADMINISTRATOR OF CROSS TRAILS REGIONAL LIBRARY.

Also:

By Mr. Miller:

S. J. R. 107. COMMENDING MRS. JANE BENTON DAVIS UPON HER RETIREMENT.

Also:

By Mr. Bailey:

S. J. R. 108. CITING WILLIE JONES OF EUFAULA, ALABAMA, FOR EXTRAORDINARY BRAVERY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolutions, S. J. R. 103, S. J. R. 104, S. J. R. 105, S. J. R. 106, S. J. R. 107 and S. J. R. 108, the titles of which are set out in the above and foregoing Message from the Senate, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Holmes, Bailey, Barron, Britnell, Callahan, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Hilliard, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White.

S. J. R. 115. NAMING THE HOME OF MR. AND MRS. GERALD WILLIS, LOCATED IN NANCEYS CREEK COMMUNITY OF CALHOUN COUNTY, "THE ALABAMA HERMITAGE."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Crow, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 115, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Robertson and Holmes:

S. J. R. 114. WISHING PRESIDENT REAGAN A SPEEDY RECOVERY FROM INJURIES INFLICTED BY A MURDEROUS ATTACKER.

WHEREAS, our nation yet again has suffered the trauma of a savage attack upon the life of the President of the United States; and

WHEREAS, on March 30, 1981, following an explosion of gunfire, not only was President Ronald Reagan seriously injured but three other innocent persons fell victim to a vicious criminal's murderous attack; and

WHEREAS, such despicable action as this gives credibility to a rising concern that ours is a sick society and that such a degenerate who would stalk and kill without compassion or conscience is a product of a drug oriented culture that has become permissive in its tolerance of crime and the criminal; and

WHEREAS, thankfully, the life of our President was spared and we are prayerfully hopeful that his recovery will be rapid so that he may soon enjoy good health once again; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely and very warmly wish a speedy and complete recovery for President Ronald Reagan.

BE IT FURTHER RESOLVED, That we deeply regret the abominable attack upon the President's life and direct that he be notified, by copy of this resolution, of our care and concern for him and his family during this trying time in their lives.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Sasser, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 114, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Cook and Robertson:

S. J. R. 113. MEMORIALIZING THE UNITED STATES CONGRESS TO ADOPT A CONSTITUTIONAL AMENDMENT CONCERNING THE ASSASSINATION OF CERTAIN PUBLIC OFFICIALS.

WHEREAS, our country has suffered the political, emotional and financial pain of assassinations and assassination attempts on our chief government officers; and

WHEREAS, this threat to our democratic way of life must be dealt with swiftly and harshly; and

WHEREAS, this legislative body believes steps must be taken to ensure the safety of the leaders of our country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature memorializes the United States Congress to enact a constitutional amendment regarding the assassination of certain public officials. Said amendment shall require that all persons attempting to kill or harm the President, Vice President, a presidential candidate or a vice presidential candidate of the United States or those government officials and employees who accompany them shall be tried before the United States Supreme Court, with said court being the court of original jurisdiction. The accused shall be tried within 60 days. If found guilty by a majority of the United States Supreme Court, the defendant shall be executed within 90 days.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to the President, Vice President, Speaker of the U. S. House of Representatives, and each member of the Alabama U. S. Congressional Delegation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 113, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 92. Relating to the continued existence and functioning of the State Board of Bar Examiners provided for in Sections 34-3-1 through 34-3-108 of the Code of Alabama 1975, as amended, specifically in Sections 34-3-2 and 34-3-40.

Also:

H. 93. Relating to the continued existence and functioning of the Board of Dental Scholarship Awards provided for in Sections 16-47-76 through 16-47-81 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

H. 94. Relating to the continued existence and functioning of the Board of Medical Scholarship Awards provided for in Sections 16-47-121 through 16-47-129 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

H. 95. Relating to the continued existence and functioning of the State Pilotage Commission provided for in Sections 33-4-1 through 33-4-57 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

H. 96. Relating to the continued existence and functioning of the State Real Estate Commission provided for in Sections 34-27-1 through 34-27-38 of the Code of Alabama 1975.

Also:

H. 107. To repeal Sections 10-4-360 through 10-4-364 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Yacht Club Association and to provide for an effective date.

Also:

H. 99. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners of Mine Personnel as provided in Sections 25-9-9 through 25-9-18, Code of Alabama 1975, as amended, with certain modifications; to amend Sections 25-9-9 and 25-9-10 of the Code of Alabama 1975, so as to: Authorize the board to increase examination fees not to exceed \$20.00; and to authorize per diem for board members up to the maximum allowed for state employees.

Also:

H. 98. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Services as provided in Sections 34-13-1 through 34-13-134 and Sections 34-13-150 through 34-13-152 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-13-4, 34-13-10, 34-13-23, 34-13-28, 34-13-51, 34-13-53,

34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131; and to repeal Section 34-13-30 of the Code of Alabama 1975 so as to: Eliminate the requirement of the board to distribute statutes and regulations each four years and instead distribute only upon request; declare certain violations as misdemeanors and allow appropriate prosecution; provide further clarification concerning travel expenses of the board; require annual reporting to the Governor and to the Legislature instead of to the Secretary of State; authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; distribute directory of licensees only on request instead of annually; lower minimum age and educational requirements for funeral director and embalmer apprentices; require apprentice time to be supervised; and to repeal a provision of law which transferred funds to the board from its predecessor board, the purpose of which has been served.

RESOLUTION

The following resolution was introduced:

By Reps. Sasser, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 202. DESIGNATING THE MONTH OF MAY AS "DIABETES AWARENESS MONTH" IN ALABAMA.

WHEREAS, known as the "silent killer," Diabetes is the third leading cause of death as well as the most common cause of irreversible blindness; and

WHEREAS, alarmingly on the increase, Diabetes is doubling in prevalence every fifteen years and, in our own State of Alabama, some five percent of the population is afflicted with this insidious disease; and

WHEREAS, of these thousands of diabetic Alabamians, less than one-half are even aware that they have the disease which often is non-symptomatic in its early stages and undetectable other than through laboratory procedures; and

WHEREAS, the State of Alabama is unique, however, in that it has the only public diabetes hospital associated with a State University in the entire world, the Diabetes Clinic at UAB which is a complete medical hospital facility devoted exclusively to the diagnosis, treatment and eradication, through research, of Diabetes; and

WHEREAS, further, associated with the Birmingham Diabetes Clinic is Dr. Buris R. Boshell, international authority on research and treatment of

Diabetes; Dr. Boshell not only has travelled all over the world lecturing on the subject but has authored numerous books and papers accepted as the most knowledgeable source of information available on Diabetes; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the month of May 1981, as "Diabetes Awareness Month in Alabama."

BE IT FURTHER RESOLVED, That we also urge Governor Fob James, in concurrence with this action, to also declare said month, by proclamation, as "Diabetes Awareness Month."

RESOLVED FURTHER, That a copy of this resolution be sent to Governor James with a copy also provided for Dr. Buris R. Boshell and the Diabetes Clinic of the University of Alabama at Birmingham.

On motion of Rep. Sasser, the rules were suspended and the resolution, H. J. R. 202, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 745. Relating to Fayette County; providing for the compensation and expense allowance of the members of the county commission; and providing that a part of this act shall be retroactive to October 1, 1977.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 34; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Blake, Cabaniss, Carter, Cheatwood, Clark (G), Edwards, Gilmer, Goodwin, Grimsley, Harper (O), Harper (T), Holley, Holmes, Langford, McMillan, Manley, Naramore, Nevett, Owens, Parker, Payne, Penry, Reed, Seibels, Smith (J), Trammell, Turner, Venable, Ward and Wyatt.

—34

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 746. Relating to Lamar County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Blake, Bowling, Cabaniss, Carter, Cheatwood, Clark (G), Cosby, Dixon, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Harper (O), Harper (T), Holley, Holmes, Kennedy, Langford, McKee, McMillan, Manley, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Reed, Seibels, Smith (J), Trammell, Turner, Venable, Ward and Wyatt.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 753. Relating to Jackson County, to raise the compensation of the jury commission and the compensation of the clerk of the commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Cosby, Dial, Dixon, Edwards, Escott, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harvey, Holley, Holmes, Kelley, Langford, McMillan, Manley, Naramore, Nevett, Olive, Owens, Parker, Penry, Reed, Seibels, Smith (C), Smith (J), Trammell, Turner, Turnham, Venable, Ward and Warren.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 764. Relating to Monroe County; providing for the election of the superintendent of education; providing that only qualified electors residing in the school district served by such superintendent shall be entitled to vote in such election; and providing that this act shall become operative upon a majority of the qualified electors presiding in such district voting in favor of the election of the superintendent of education.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Blake, Bowling, Brakefield, Buskey, Cabaniss, Carter, Cheatwood, Clark (G), Cosby, Dial, Dixon, Edwards, Escott, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Langford, McKee, McMillan, Manley, Minus, Naramore, Olive, Owens, Parker, Payne, Penry, Reed, Seibels, Smith (C), Smith (J), Trammell, Turner, Ward and Warren.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 767 POSTPONED

On motion of Rep. Greer, the bill, H. 767, was postponed to the sixteenth legislative day.

And the bill:

H. 768. Relating to Tuscaloosa County; authorizing the county commission to levy a special tax on real property outside the municipality of Tuscaloosa and located in school districts one and two upon approval by the qualified voters within the county residing outside the municipality of Tuscaloosa in said districts.

Was taken up.

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the bill, H. 768:

A BILL TO BE ENTITLED AN ACT

Relating to Tuscaloosa County; authorizing the county commission to levy a special school tax on real property outside the municipality of Tuscaloosa and located in school districts one and two upon approval by the qualified voters residing within the county but outside the municipality of Tuscaloosa.

Be it Enacted by the Legislature of Alabama:

Section 1. In Tuscaloosa County, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the Tuscaloosa County Commission is hereby authorized to levy and collect a special property tax effective and payable for the entire tax year beginning October 1, 1981, and each fiscal year thereafter, of five mills on each dollar's worth of taxable property outside the corporate limits of Tuscaloosa, but within the county, as assessed for state taxation during the preceding year; provided that such tax and the purpose or purposes thereof shall first be approved by the qualified electors of Tuscaloosa County residing outside the corporate limits of the municipality of Tuscaloosa.

Section 2. The provisions of this act shall become operative only if this act is approved by a majority of the qualified electors residing within the county, but outside the corporate limits of the municipality of Tuscaloosa, who vote at a referendum election held for such purpose. The election shall be held in the same manner as elections on amendments to the Constitution, to be held on a date to be determined by the judge of probate. Notice of the election shall be given by the judge of probate of Tuscaloosa County, which notice shall be published once a week for three successive weeks before the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows: "Do you favor the local law levying a special school tax in your county, but outside the corporate limits of the City of Tuscaloosa of five mills on each dollar's worth of taxable property outside the corporate limits of the municipality of Tuscaloosa, but within the county, as assessed for state taxation during the preceding year, the proceeds of which will be used exclusively for Tuscaloosa County school system? Yes () No ()."

If a majority of the votes cast are in the affirmative, then the substantive provisions of this act shall become effective on the first day of the next taxable year following the election. If a majority of the voters do not approve this Act, the provisions of this Act shall not become effective.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Blake, Bowling, Brakefield, Cabaniss, Carter, Cheatwood, Clark (G), Cosby, Edwards, Goodwin, Hall, Harper (O), Harper (T), Harvey, Holley, Holmes, Howard, Johnson (R. G.), Johnson (Roy), Langford, McMillan, Manley, Minus, Mitchell, Naramore, Nevett, Olive, Penry, Reed, Seibels, Smith (J), Trammell, Turner and Warren.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 768. Relating to Tuscaloosa County; authorizing the county commission to levy a special school tax on real property outside the municipality of Tuscaloosa and located in school districts one and two upon approval by the qualified voters residing within the county but outside the municipality of Tuscaloosa.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Brakefield, Cabaniss, Carter, Cheatwood, Clark (G), Edwards, Gilmer, Goodwin, Hall, Harper (T), Harvey, Holley, Holmes, Johnson (Roy), Langford, McMillan, Manley, Mitchell, Naramore, Nevett, Olive, Owens, Penry, Reed, Seibels, Smith (C), Smith (J), Trammell, Turner, Warren and Wyatt.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

S. 188 RE-REFERRED

No objection being offered, the Speaker re-referred the bill, S. 188, from the Standing Committee on State Administration to the Standing Committee on Education.

SPECIAL ORDER RESUMED

And the bill:

H. 489. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

Was taken up.

SUBSTITUTE OFFERED

Rep. Manley offered the following substitute to the bill, H. 489:

A BILL
TO BE ENTITLED
AN ACT

To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

Be it Enacted by the Legislature of Alabama:

Section 1. Amendment of §40-7-25.1. Section 40-7-25.1, Code of Alabama 1975 (Section 4 of Act No. 135, 1978 Second Extraordinary Session (Acts of 1978, p. 1868)] is hereby amended as follows:

"Section 40-7-25.1. Current use value of Class III property—Definition; appraisal of property at request of owner; factors considered in appraisal; rules and regulations of Department of Revenue. For ad valorem tax years beginning on and after October 1, 1978, with respect to taxable property defined in section 40-8-1, as amended, as Class III property and upon request by the owner of such property as hereinafter provided, the assessor shall base his appraisal of the value of such property on its current use on October 1 in any taxable year and not on its fair and reasonable market value. Failure of an owner of Class II property to request appraisal at current use value shall mean that the property shall be valued on its fair and reasonable market value as otherwise provided in this Title until such time as the owner thereof shall request valuation on the basis of current use value. As used in this chapter, "current use value" shall be deemed to be the value of eligible taxable property based on the use being made of that property on October 1 of any taxable year; provided, that no consideration shall be taken of the prospective value such property might have if it were put to some other possible use. It is not the intent of the Legislature to establish in this section any presumption as to the fair and reasonable market value of any property,

or any minimum such value. This section shall govern only determination of the current use value of eligible property with respect to which a timely request for appraisal at current use value shall have been made.

(a) In determining the current use value, on and after October 1, 1981, of eligible taxable property the owner of which shall elect current use valuation of such property hereunder, the assessor shall presume that there is no possibility of the property being used for any other purpose, as if there were a legal prohibition against its use for any other purpose. Utilize the standard value method of current use valuation outlined herein. (No new application form need be filed under §40-7-25.2 in order for this method to be utilized with respect to property the owner of which, prior to October 1, 1981, shall have elected to have had assessed at the ratio of its assessed value to its current use value, and which property was in fact so assessed; however, the tax assessor of the county in which the property is located may request of the owner such additional information as may be required to compute current use value hereunder.) To utilize the standard value method of current use valuation, the tax assessor shall first determine the character of the property with respect to which current use valuation is elected as agricultural (which characterization shall cover all of the types of real property described in §40-8-1(b)(3) with the exception of real property used for the growing and sale of timber and forest products), forest (meaning real property used for the growing and sale of timber and forest products), residential (as defined in §40-8-1(b)(2)), or historic building and site (as defined in §40-8-1(b)(6)). With respect to Class III property consisting of parcels of five acres or less, the owners of which shall have elected current use valuation respecting those parcels, the tax assessor may require the submission of additional data as may be necessary to establish that the use being made of the parcels of property in question is agricultural, forest or residential or historic building and site, as the case may be; such data may include site management plans from the Alabama Forestry Commission, photographs and surveys, or verification of use from the county farm agent or the U. S. Soil Conservation Service.

With respect to agricultural and forest property, the tax assessor shall determine, utilizing the soil groups defined herein, the Productivity Rating or Ratings applicable to such property based on the following schedule:

Soil Group	Agricultural Productivity Rating	Forest Productivity Rating
1	Good	Good
2	Good	Good
3	Average	Average
4	Average	Average
5	Average	Average
6	Poor	Average
7	Non-Productive	Poor
8	Good	Good
9	Poor	Average
10	Non-Productive	Non-Productive

The Soil Groups of agricultural and forest property shall be determined using the following general definitions (to fall within a particular soil group property need not exhibit all the general characteristics described herein for that

group, but must generally be describable by a preponderance of those characteristics; the Department of Revenue prior to issuing any regulations further defining soil groups hereunder shall consult with the U. S. Soil Conservation Service and the Alabama Cooperative Extension Service):

Soil group No. 1. Nearly level soils on uplands; mostly deep and well drained (0 to 2 percent slopes). Soils in this group have no limitations that significantly restrict their use for agriculture. They are well suited to a wide range of plants and may be used for cultivated crops, small grains, hay crops, pasture, or woodland. They have moderate to high available water capacity and are responsive to fertilization.

Soil group No. 2. Nearly level soils on uplands; mostly deep, imperfectly drained (0 to 2 percent slopes). Soils in this group have a wetness limitation that restricts their use for agriculture. The choice of plants may be restricted on some soils but as a group they are suited for cultivated crops, small grains, hay crops, pasture, or woodland. The wetness limitation can be partially overcome by drainage. The soils have high available water capacity and are responsive to fertilization.

Soil group No. 3. Nearly level soils on uplands; mostly deep, well drained with thick sandy surface layers (0 to 5 percent slopes). Soils in this group have a low available water capacity that restricts their use for agriculture. The choice of plants is restricted and the soils require special considerations when used for cultivated crops and small grains. Most soils in this group are well suited for hay crops, pasture, and woodland. Special practices must be used to prevent deterioration of soils and to maintain yields if used for cultivated crops. Most soils in this group have low fertility levels that are not easily corrected by fertilization.

Soil group No. 4. Gently sloping to sloping soils on uplands (2 to 6 percent slopes). Soils in this group have moderate limitations that restrict their use for agriculture. The choice of plants may be restricted on some soils but as a group they are well suited for cultivated crops, small grains, hay crops, pasture, or woodland. Limitations can be overcome by conventional practices but the soils require careful management to prevent deterioration and maintain maximum crop yields. Limitations include one or more of the following: slopes of about 2 to 6 percent, a somewhat restricted rooting zone, very slow permeability of the subsoil, and low available water capacity. Most soils in this group are responsive to fertilization.

Soil group No. 5. Sloping to strongly sloping soils on uplands (6 to 10 percent slopes). Soils in this group have severe limitations that restrict their use for agriculture. The choice of plants is restricted and the soils require special considerations when used for cultivated crops and small grains. Most soils in this group are well suited for hay crops, pasture, and woodland. Special practices must be used to prevent deterioration of the soils and to maintain yields if used for cultivated crops. Limitations include one or more of the following: slopes of about 6 to 10 percent, very slow permeability of the subsoil, shallow rooting zone and, low available water capacity. Some sandy soils in this group have low fertility levels that are not easily corrected by fertilization.

Soil group No. 6. Moderately steep soils on uplands (10 to 15 percent slopes). Soils in this group have very severe limitations that restrict their use for agriculture. The choice of plants is restricted and very careful management is required to prevent soil deterioration, protect crops and to maintain crops yields. Soils in this group are generally poorly suited for row crops and

small grains. They are suited to pasture and woodland but steep slopes restrict their use for hay crops. Limitations include one or more of the following: slopes of about 10 to 15 percent, shallow rooting depth, low available water capacity and surface stoniness that interferes with tillage. Some sandy soils in this group have low fertility levels that are not easily corrected by fertilization.

Soil group No. 7. Steep soils on uplands (15 plus percent slopes). Soils in this group have very severe limitations that make them unsuited for cultivated crops, small grains, or hay crops. They are suited for pasture only to a limited extent and are used mainly for woodland. Limitations include one or more of the following: slopes greater than 15 percent, shallow rooting depth, low available water capacity, and surface stoniness that seriously interferes with or prohibits tillage.

Soil group No. 8. Bottomland soils that are well suited for cultivated crops, hay crops and pasture. Subject to occasional water overflow with only slight damage to crops. Soil wetness is normally correctable by surface drainage. Soils in this group are well suited for woodland.

Soil group No. 9. Bottomland soils subject to frequent overflow with severe crop damage. Excessive wetness that persists after drainage restricts the use of these soils to mainly pasture and woodland. Woodland growth potential is excellent but equipment limitations and seedling mortality limit intensive forest management.

Soil group No. 10. Soils in this group have such severe limitations that they are capable of only limited production of vegetative growth. It includes soils that are normally covered with water, soils that are saline, soils that are severely gullied, and have extensive rock outcrops.

(b) The tax assessor shall then use, on and after October 1, 1981, the following formulas and methods to determine the assessed value of each type of Class III property, with respect to which a current use valuation election has been made.

(1) Agricultural Property. The current use standard value for agricultural property in the State shall be determined in the following manner. The owner of agricultural property desiring to elect current use valuation shall submit to the assessor satisfactory evidence indicating the soil group or groups, as defined herein, applicable to the property in question. The Department of Revenue, utilizing statistics from the Alabama Crop and Livestock Reporting Service, the Alabama Cooperative Extension Service and the Alabama Agricultural Experiment Station, shall determine annually, not later than November 15, for use in assessing property for taxation as of the immediately preceding October 1, the current use standard value for agricultural property as follows:

(A) The State's top three crops in terms of acreage harvested for the most recent calendar year for which statistics are available shall be determined;

(B) Total crop production of the three crops shall be multiplied by the seasonal average price received for these crops in each of the ten most recent calendar years since 1973 for which statistics are available, and divided by the acreage harvested for each crop for each year, giving the gross return per year per crop (provided, that if corn is determined to be one of the three crops for which such calculation is made, the same formula shall be followed, but utilizing southeastern United States statistics in determining average yields per acre);

(C) From the gross return figures thus obtained, costs of production for each crop (determined for each crop using U. S. Department of Agriculture cost of production data [excluding land costs and general farm overhead costs] or such similar data as may be available to the Department) shall be subtracted, giving the net return to land per year per crop;

(D) The net return per year to land per crop shall be totalled, the total being weighted to give effect to the average number of acres of each crop being harvested in the State in the ten most recent calendar years since 1973 for which statistics are available; and

(E) Income flow per acre shall be capitalized by dividing it by the average of the annual effective interest rates on new federal land bank loans (determined in the same manner as the effective interest rates utilized under section 2032A(e)(7)(A)(ii) of the Internal Revenue Code of 1954, as presently determined pursuant to Regulation Section 20.2032A-4(e) issued by the U. S. Department of the Treasury) charged by the New Orleans District Federal Land Bank for the five most recent calendar years for which figures are available ended preceding October 1 of each year, such rate to be reduced by 2% for determinations made for the tax year next succeeding the effective date of this act; with respect to tax years thereafter, the income flow per acre shall be divided by the average of said annual effective interest rates determined for the five most recent calendar years for which figures are available, without any 2% reduction.

The figure obtained using this formula, increased by 20% with respect to property having a productivity rating of Good, decreased by 30% with respect to property having a productivity rating of Poor and by 75% with respect to property having a productivity rating of Non-productive, and unchanged with respect to property having a productivity rating of average, shall be the current use value per acre of property in agricultural use in the State with respect to which current use valuation is elected by the owner thereof; provided, however, that such current use value per acre as computed hereunder shall, for the first tax year for which values are computed pursuant to the standard value method provided herein, be computed without utilizing any statistics or interest rates available for the calendar year 1980, and all calculations hereunder for the tax year beginning October 1, 1981, shall be made as if such 1980 statistics and interest rates were not available; and provided further that for each tax year following the first tax year for which values are computed pursuant to the standard value method provided herein, with respect to property of each productivity rating, the current use value per acre shall be adjusted so that such standard values shall not be less than 100% of such standard values as computed for the first tax year for which values are computed hereunder. Utilizing the Department's determination of standard values, the tax assessor shall enter the standard value or values per acre determined hereunder, multiplied by the number of acres of property of each productivity rating included in the property with respect to which a current use valuation election is in effect, on his records and proceed to assess the property at that value for ad valorem tax purposes utilizing the assessment ratio or ratios then applicable to Class III property. In making the annual determination provided for in this subparagraph (1), the statistics utilized by the Department of Revenue shall be (except as otherwise provided herein) those most current statistics available to the Department (including preliminary statistics) at the time such determinations are made as required herein; the determinations so made by the Department shall not be subject to

change solely because such statistics are later revised, corrected or otherwise altered by the Alabama Crop and Livestock Reporting Service, the Alabama Cooperative Extension Service, the Alabama Agricultural Experiment Station, the U. S. Department of Agriculture or the New Orleans District Federal Land Bank.

(2) Forest Property. The current use standard value for forest property in the State shall be determined in the following manner. The owner of timberland desiring to elect current use valuation shall submit to the assessor satisfactory evidence indicating the soil group or groups; as defined herein, applicable to the property in question. For each calendar year immediately preceding October 1 in each year the Alabama Forestry Commission shall determine the average pulpwood price per cord received by timber growers in the State by estimating the average pine pulpwood price per cord and the average hardwood pulpwood price per cord received in the State during such year and determining the weighted average of those two average prices, weighting those prices on the basis of the ratio that the approximate number of cords of each of those two types of pulpwood harvested in Alabama bears to the total cords of both of such types of pulpwood harvested in Alabama, and provide that information to the Department of Revenue. The Department of Revenue shall utilize timber yields of 1.38 cords per acre per year, 1.05 cords per acre per year, .75 cords per acre per year and .6 cords per acre per year for land having good, average, poor and non-productive productivity ratings respectively to establish annual yields per acre in cords and multiply the yield per acre of timber property of each rating by the average pulpwood price per cord as provided by the Alabama Forestry Commission. From the products thus obtained, 15% thereof shall be subtracted therefrom for expenses of ownership and management, and the result of that subtraction shall equal imputed timberland net income per acre. This imputed net income per acre figure shall then be divided by the average of the annual effective interest rates charged on new federal land bank loans (determined as in subsection (b)(1)(E) of this Section) by the New Orleans District Federal Land Bank for the five most recent calendar years for which figures are available ended preceding October 1 of each year, such rate to be reduced by 2% for determinations made for the tax year next succeeding the effective date of this act; with respect to tax years thereafter, the net income figure shall be divided by the average of said annual effective interest rates for the five most recent calendar years for which figures are available, without any 2% reduction. The results thus obtained shall be the current use values per acre for property of each of the timber productivity ratings with respect to which current use valuation is elected by the owner thereof; provided, however, that for each tax year following the first tax year for which values are computed hereunder, with respect to property of each productivity rating, the current use value per acre shall be adjusted so that such standard values shall not be less than 100% of such standard values as computed for the first tax year for which values are computed hereunder. Utilizing the Department's determination of standard values, the tax assessor shall enter such standard values per acre, multiplied by the number of acres of property of each productivity rating with respect to which a current use valuation election is in effect, on his records and proceed to assess the property at that value for ad valorem tax purposes utilizing the assessment ratio or ratios then applicable to Class III property. In making the annual determinations provided for in this subparagraph (2), the statistics utilized by the Alabama Forestry Commission and the Department of Revenue shall be (except as otherwise provided herein) those most current statistics available to the Commission and the Department (including preliminary statistics) at the

time such determinations are made as required herein; the determinations so made by the Commission and the Department shall not be subject to change solely because such statistics are later revised, corrected or otherwise altered by the sources thereof, including the Commission and the New Orleans District Federal Land Bank.

(3) Residential Property and Historic Buildings and Sites. The current use standard values for individuals parcels of residential property and historic buildings and sites in each county in the State shall be determined by each county tax assessor annually utilizing comparative fair and reasonable market values of comparable residential or historic building and site property located in the county, which property cannot ordinarily be used other than as residential property or as an historic building or site, the tax assessor to presume that there is no possibility of the property being used for any other purpose than as residential property or an historic building and site, as if there were a legal prohibition against its use for any other purpose. The Department of Revenue shall promulgate appropriate regulations and orders for use by tax assessors in determining such comparable values. The tax assessor shall enter the standard values so determined on his records concerning property with respect to which a current use valuation election is in effect and proceed to assess the property at that value for ad valorem tax purposes utilizing the assessment ratio or ratios then applicable to Class III property.

(c) Following notice to the owners of Class III property who shall request appraisal of such property at its current use value of the standard current use values computed with respect to such property, those owners may, within thirty days after receipt of such notice, submit to the assessor a statement outlining any errors asserted by the owner to have been made in such appraisal. The assessor shall review such statement and determine whether the value contained in the appraisal as submitted satisfactorily represents the current use value of the property with respect to which it is submitted, and he shall promptly forward the statement to the county board of equalization with his written determination and recommendation with respect thereto, for use by the board in carrying out its duties under §40-3-16 and hearing any properly filed objection to the current use valuation of any parcel of property computed using the standard current use value formulas provided in this section. Such objections shall be filed and heard, and final determinations of the board respecting such objections and assessments based on current use value appealed from, in the same manner as that provided in §40-3-19 regarding assessments, and objections filed with respect thereto, based on fair and reasonable market value. In determining the current use value for real property classified as agricultural or forestry property the tax assessor shall consider farm income, soil productivity or fertility, topography, susceptibility to flooding, rental value, replaceability as agricultural property for the production of food and fiber and other factors which may serve to determine value for agricultural or timber production purposes, including any such factors that the Department of Revenue shall, by regulation specify. The Department of Revenue shall, prior to May 1, 1979, prescribe all needful rules and regulations for the enforcement and implementation of this section by the department and by the several county tax assessors and all other persons listed in subdivision (1) of section 40-2-11 as being charged with any duty in the enforcement of tax laws."

Section 2. Conflicting laws. All laws and parts of laws in conflict with any of the provisions of this Act are hereby expressly repealed or modified to the extent necessary to carry out the provisions of this Act.

Section 3. Severability. In the event any portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining portions of this Act, which shall continue effective.

Section 4. Effective date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 67; Nays 2.

Yeas:

Mr. Speaker, Albright, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cooley, Crow, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Johnson (R. G.), Kelley, Laird, Langford, Letson, McKee, McMillan, Manley, Mitchell, Naramore, Nevett, Olive, Owens, Patton, Payne, Penry, Rains, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Smith (M), Stout, Turner, Turnham, Venable, Waggoner, Ward, Warren and Wyatt.

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Nays: Reps. Harrison and Johnson (Roy).

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CO-SPONSOR ADDED

Rep. Gilmer was added as co-sponsor to the bill, H. 489.

AMENDMENT OFFERED

Rep. Manley offered the following amendment to the bill, H. 489 as amended:

On page 4A, line 14, after the language "question.", insert the following language: Such evidence may, with respect to property located in counties for which county-wide soil survey maps are not available from the U. S. Soil Conservation Service, include a soil survey map describing the soils of the property in question prepared by the U. S. Soil Conservation Service or other governmental or private soil mapping agency.

On page 4A, line 23, after the word "harvested", insert the following language: (not including hay of all types)

On page 6, line 15, after the language "question.", insert the following language: Such evidence may, with respect to property located in counties for which county-wide soil survey maps are not available from the U. S. Soil Conservation Service, include a soil survey map describing the soils of the property in question prepared by the U. S. Soil Conservation Service or other governmental or private soil mapping agency.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Naramore, Nevett, Olive, Patton, Payne, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Venable, Waggoner, Warren, Williams, Wyatt and Zoghby.

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Nay: Rep. Harrison.

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REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 137. Relating to Sumter County; prescribing certain limitations on procedures for extending the corporate limits and boundaries of incorporated municipalities in said county.

Also:

H. 138. Relating to Choctaw County; to provide for the replacement of casings in certain wells located in the county.

Also:

H. 139. Relating to Sumter County; to provide for the replacement of casings in certain wells located in the county.

Also:

H. 316. Relating to the city of Scottsboro in Jackson County; to authorize the city governing body to establish a historic preservation commission and to adopt ordinances and regulations to protect historic architectural character and preserve the general historic character of the city by allowing the designation of historic districts, areas, and sites and adopting other provisions necessary to carry out the purposes of this act.

Also:

H. 420. Relating to Fayette County; to provide further for the compensation of certain election officers.

Also:

H. 567. Relating to Marion County; to provide for additional per diem payments to each member of the Board of Equalization.

Also:

H. 568. To repeal Act No. 158, 1969 Special Session, and Act No. 950, 1969 Regular Session, relating to compensation and expense allowances paid to the board of equalization in counties with a population of not less than 13,700 nor more than 14,300 inhabitants.

Also:

H. 569. Relating to Lamar County; providing for the amount of compensation to be paid members of the jury commission, board of equalization and the board of registrars.

Also:

H. 587. To provide that no municipality whose corporate limits do not lie within or extend into and embrace and include a portion of Elmore County shall have or exercise police jurisdiction within Elmore County; nor shall any such municipality exercise police jurisdiction, police powers or taxing powers within Elmore County or over or on any person in Elmore County or property or business or trade or profession in Elmore County; nor shall any such municipality levy, fix or collect any license or fee of any kind in Elmore County; nor shall any ordinance of any such municipality enforcing police or sanitation regulations or prescribing fines or penalties for violating thereof have force or effect in Elmore County.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 198. DEPLORING THE ATTEMPTED ASSASSINATION OF PRESIDENT RONALD REAGAN.

Also:

H. J. R. 200. HONORING MARY AUTREY.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 489 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Manley, the motion offered by Rep. Johnson (Roy) to postpone further consideration of the bill, H. 489 as amended, to the seventeenth legislative day, was tabled.

Yeas 54; Nays 36.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Blake, Bowling, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Dial, Edwards, Gafford, Gilmer, Goodwin, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Kelley, Letson, McKee, McMillan, Manley, Minus, Mitchell, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Warren, Williams, Willis and Wyatt.

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Nays:

Reps. Adams (C), Albright, Amari, Bennett, Brakefield, Buskey, Cabaniss, Clark (W), Cobb, Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Escott, Ford, Harrison, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Moore, Naramore, Nevett, Olive, Seibels, Stewart, Trammell, Tucker, Waggoner and Zoghby.

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REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 492. Relating to Cleburne County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Also:

H. 493. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

Also:

H. 494. Relating to Cleburne County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Also:

H. 495. Relating to Cleburne County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Also:

H. 575. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1981 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year; to provide that the first fee schedule shall also be the fee schedule for the 1981 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 92. Relating to the continued existence and functioning of the State Board of Bar Examiners provided for in Sections 34-3-1 through 34-3-108 of the Code of Alabama 1975, as amended, specifically in Sections 34-3-2 and 34-3-40.

Also:

H. 93. Relating to the continued existence and functioning of the Board of Dental Scholarship Awards provided for in Sections 16-47-76 through 16-47-81 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

H. 94. Relating to the continued existence and functioning of the Board of Medical Scholarship Awards provided for in Sections 16-47-121 through 16-47-129 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

H. 95. Relating to the continued existence and functioning of the State Pilotage Commission provided for in Sections 33-4-1 through 33-4-57 of the Code of Alabama 1975, and as otherwise provided by law.

Also:

H. 96. Relating to the continued existence and functioning of the State Real Estate Commission provided for in Sections 34-27-1 through 34-27-38 of the Code of Alabama 1975.

Also:

H. 98. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Services as provided in Sections 34-13-1 through 34-13-134 and Sections 34-13-150 through 34-13-152 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-13-4, 34-13-10, 34-13-23, 34-13-28, 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131; and to repeal Section 34-13-30 of the Code of Alabama 1975 so as to: Eliminate the requirement of the board to distribute statutes and regulations each four years and instead distribute only upon request; declare certain violations as misdemeanors and allow appropriate prosecution; provide further clarification concerning travel expenses of the board; require annual reporting to the Governor and to the Legislature instead of to the Secretary of State; authorize the board to enter into reciprocal agreements on an individual basis and increase the fee for a reciprocal license; distribute directory of licensees only on request instead of annually; lower minimum age and educational requirements for funeral director and embalmer apprentices; require apprentice time to be supervised; and to repeal a provision of law which transferred funds to the board from its predecessor board, the purpose of which has been served.

Also:

H. 99. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners of Mine Personnel as provided in Sections 25-9-9 through 25-9-18, Code of Alabama 1975, as amended, with certain modifications; to amend Sections 25-9-9 and 25-9-10 of the Code of Alabama 1975, so as to: Authorize the board to increase examination fees not to exceed \$20.00; and to authorize per diem for board members up to the maximum allowed for state employees.

Also:

H. 107. To repeal Sections 10-4-360 through 10-4-364 of the Code of Alabama 1975, so as to terminate the existence and functioning of the Alabama Yacht Club Association and to provide for an effective date.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 489 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Manley, the motion offered by Rep. Johnson (Roy) to postpone further consideration of the bill, H. 489 as amended, to the eighteenth legislative day, was tabled.

Yeas 45; Nays 40.

Yeas:

Mr. Speaker, Barton, Bedsole, Blake, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Edwards, Goodwin, Grimsley, Grouby, Hammett, Harper (T), Harvey, Holley, Laird, Letson, McMillan, Manley, Minus, Mitchell, Owens, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Warren, Whatley, Williams, Willis and Wyatt.

—45

Nays:

Reps. Adams (C), Albright, Amari, Bennett, Boles, Brakefield, Buskey, Cabaniss, Clark (W), Coburn, Crow, Daniels, Dixon, Drinkard, Ford, Hall, Harrison, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, McKee, Moore, Naramore, Olive, Parker, Patton, Sandusky, Seibels, Stewart, Trammell, Tucker, Turnham, Waggoner and Zoghyb.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 101. Relating to the continued existence and functioning of the Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons provided for in Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, and as otherwise provided by law.

Also:

H. 103. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Speech Pathology and Audiology as provided in Sections 34-28A-1 through 34-28A-44 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-28A-21, 34-28A-23, 34-28A-24 and 34-28A-40 of the Code of Alabama 1975, so as to: Require applicants to pass an examination approved or promulgated by the board; remove requirement of board to maintain permanent records of all examination scores; provide that four (4) board members constitutes a quorum; and delete a waiver of examination provision (grandfather clause) which has served its purpose.

McDOWELL LEE,
Secretary.

H. 489 RESUMED

MOTION TO TEMPORARILY POSTPONE TABLED

On motion of Rep. Manley, the motion offered by Rep. Johnson (Roy), to temporarily postpone further consideration of the bill, H. 489 as amended, was tabled.

Yeas 47; Nays 41.

Yeas:

Mr. Speaker, Bedsole, Blake, Boles, Campbell, Carter, Cates, Cheatwood, Clark (G), Cosby, Crow, Edwards, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Kelley, Laird, McMillan, Manley, Minus, Mitchell, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Shoemaker, Smith (C), Smith (J), Smith (M), Stout, Turner, Venable, Ward, Warren, Whatley, Willis and Wyatt.

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Nays:

Reps. Adams (C), Albright, Amari, Bennett, Bowling, Brakefield, Buskey, Cabaniss, Clark (W), Cobb, Coburn, Cooley, Daniels, Dixon, Drinkard, Escott, Ford, Harrison, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, McKee, Moore, Naramore, Olive, Parker, Patton, Sandusky, Seibels, Stewart, Trammell, Tucker, Turnham, Waggoner and Zoghby.

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REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 101. Relating to the continued existence and functioning of the Examining Board for Professional Entomologists, Horticulturists, Floriculturists and Tree Surgeons provided for in Sections 2-28-1 through 2-28-12 of the Code of Alabama 1975, as amended, and as otherwise provided by law.

Also:

H. 103. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Speech Pathology and Audiology as provided in Sections 34-28A-1 through 34-28A-44 of the Code of Alabama 1975, with certain modifications; to amend Sections 34-28A-21, 34-28A-23, 34-28A-24 and 34-28A-40 of the Code of Alabama 1975, so as to: Require applicants to pass an examination approved or promulgated by the board; remove requirement of board to maintain permanent records of all examination scores; provide that four (4) board members constitutes a quorum; and delete a waiver of examination provision (grandfather clause) which has served its purpose.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 489 RESUMED

AMENDMENT OFFERED

Rep. Cooley offered the following amendment No. 1 to the bill, H. 489 as amended:

In Section 1, line 31, page 7a, add the following sentence to the end of said section:

Provided, however, that the tax collected on such property shall not be lower than that collected in 1981.

AMENDMENT TABLED

On motion of Rep. Manley, the amendment No. 1 offered by Rep. Cooley to the bill, H. 489 as amended, was tabled.

Yeas 53; Nays 43.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Blake, Campbell, Carothers, Carter, Cates, Clark (G), Clark (W), Cosby, Crow, Dial, Edwards, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Stout, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—53

Nays:

Reps.: Adams (C), Albright, Amari, Bennett, Boles, Bowling, Brakefield, Cabaniss, Cheatwood, Cobb, Coburn, Cooley, Daniels, Dixon, Drinkard, Escott, Ford, Goodwin, Gregg, Hall, Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Lewis, Moore, Naramore, Nevett, Olive, Parker, Riddick, Seibels, Smith (C), Stewart, Trammell, Tucker, Waggoner and Zoghby.

—43

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 150. To provide for the establishment and maintenance of a state program of abandoned mine reclamation in compliance with Title IV of Public Law 95-87, 95th U. S. Congress, the "Surface Mining Control and

Reclamation Act of 1977;" to express legislative intent; to designate The Department of Industrial Relations as the administrative agency for such program; to provide for an annual application procedure by the Director of Industrial Relations to the Secretary of the United States Department of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for right of entry; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act; to provide for expenditures from said fund and for the annual reporting of the operations of such fund; to provide certain powers to the Director of Industrial Relations relative to the provisions of this Act; and to provide for intergovernmental cooperation in the implementation of this Act.

Also:

S. 331. To amend Section 2-8-9 and repeal Section 2-8-14 of the Code of Alabama 1975 providing for a promotional program for the production, marketing, use and sale of cattle so as to further provide for the length of the period of assessment after a referendum on that subject and to repeal provisions providing for an election by cattle owners not to pay an assessment.

Also:

S. J. R. 100. HONORING MR. CHARLES W. BECKER UPON HIS RETIREMENT AS ASSISTANT TO THE COMPTROLLER OF THE STATE OF ALABAMA.

Also:

S. J. R. 109. EXPRESSING APPRECIATION TO DR. HOWARD GUNDY OF THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 110. WELCOMING DR. JOAB THOMAS AS PRESIDENT OF THE UNIVERSITY OF ALABAMA.

Also:

S. J. R. 114. WISHING PRESIDENT REAGAN A SPEEDY RECOVERY FROM INJURIES INFLICTED BY A MURDEROUS ATTACKER.

Also:

S. J. R. 115. NAMING THE HOME OF MR. AND MRS. GERALD WILLIS, LOCATED IN NANCEYS CREEK COMMUNITY OF CALHOUN COUNTY, "THE ALABAMA HERMITAGE."

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 489 RESUMED

MOTION TO POSTPONE TABLED

On motion of Rep. Manley, the motion offered by Rep. Johnson (Roy) to postpone further consideration of the bill, H. 489 as amended, to the sixteenth legislative day, was tabled.

Yeas 55; Nays 37.

Yeas:

Mr. Speaker, Adams (H), Albright, Barton, Biddle, Blake, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Crow, Edwards, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Kelley, Laird, Letson, McMillan, Manley, Minus, Mitchell, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Warren, Whatley, Williams, Willis and Wyatt.

—55

Nays:

Reps.: Adams (C), Amari, Bedsole, Bennett, Bowling, Brakefield, Cabaniss, Cobb, Cooley, Daniels, Dixon, Drinkard, Escott, Ford, Harrison, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, Moore, Naramore, Nevett, Olive, Parker, Patton, Seibels, Smith (C), Stewart, Trammell, Tucker, Waggoner and Zoghby.

—37

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 202. DESIGNATING THE MONTH OF MAY AS "DIABETES AWARENESS MONTH" IN ALABAMA.

McDOWELL LEE,
Secretary.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Rep. Johnson (Roy) to indefinitely postpone the bill, H. 489 as amended, was lost.

Yeas 35; Nays 58.

Yeas:

Reps.: Adams (C), Albright, Amari, Bennett, Brakefield, Buskey, Cabaniss, Clark (W), Cobb, Drinkard, Escott, Ford, Harrison, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, McKee, Moore, Naramore, Nevett, Olive, Parker, Patton, Seibels, Stewart, Trammell, Tucker, Waggoner and Zoghby.

—35

Nays:

Mr. Speaker, Adams (H), Barton, Bedsole, Biddle, Blake, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Coburn, Cosby, Crow, Daniels, Dial, Edwards, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Kelley, Laird, Letson, McMillan, Manley, Minus, Mitchell Owens, Payne, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (J), Smith (M), Starkey, Stout, Turner, Venable, Warren, Whatley, Williams, Willis and Wyatt.

—58

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 202. DESIGNATING THE MONTH OF MAY AS "DIABETES AWARENESS MONTH" IN ALABAMA.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

H. 489 RESUMED

AMENDMENT OFFERED

Rep. Cooley offered the following amendment No. 2 to the bill, H. 489 as amended:

In Section 1, line 31, page 7a, add the following sentence to the end of said section:

Provided, however, that the tax collected on such property shall not be lower than that collected in 1981, unless such property is classified as residential property or historic buildings or sites and such property is reduced in value and in such event appraisal and taxation hereunder shall be made under rules and regulations promulgated by the Department of Revenue.

AMENDMENT TABLED

On motion of Rep. Manley, the amendment No. 2 offered by Rep. Cooley to the bill, H. 489 as amended, was tabled.

Yeas 49; Nays 44.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Edwards, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Kelley, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (J), Starkey, Stout, Turner, Venable, Warren, Whatley, Williams, Willis and Wyatt.

—49

Nays:

Reps.: Adams (C), Albright, Amari, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Clark (W), Cooley, Crow, Daniels, Dixon, Drinkard, Escott, Ford, Hall, Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, Moore, Naramore, Nevett, Olive, Parker, Riddick, Seibels, Smith (C), Stewart, Trammell, Tucker, Turnham, Waggoner and Zoghby.

—44

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the amendment No. 1 to the bill, H. 489 as amended:

On page 8, lines 9 and 10, delete all the language following the word "effective" and insert in lieu thereof:

January 1, 1982

AMENDMENT TABLED

On motion of Rep. Manley, the amendment No. 1 offered by Rep. Johnson (Roy) to the bill, H. 489 as amended, was tabled.

Yeas 52; Nays 30.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Blake, Carothers, Carter, Cates, Cheatwood, Clark (G), Cosby, Daniels, Dial, Edwards, Gafford, Gilmer, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Laird, McKee, McMillan, Manley, Minus, Mitchell, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Shoemaker, Smith (C), Smith (J), Starkey, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—52

Nays:

Reps.: Adams (C), Amari, Brakefield, Buskey, Cabaniss, Coburn, Crow, Dixon, Drinkard, Escott, Ford, Goodwin, Harrison, Holmes, Horn, Howard, Jackson, Johnson (Roy), Kennedy, Langford, Moore, Naramore, Nevett, Olive, Parker, Seibels, Stewart, Trammell, Waggoner and Zoghby.

—30

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment No. 2 to the bill, H. 489 as amended:

On page 1A, line 28, after the language "Definition;" insert: Notwithstanding any law to the contrary, for purposes of this act, Class III shall only include historic sites;

AMENDMENT TABLED

On motion of Rep. Manley, the amendment No. 2 offered by Rep. Johnson (Roy) to the bill, H. 489 as amended, was tabled.

Yeas 52; Nays 32.

Yeas:

Mr. Speaker, Adams (H), Barton, Bedsole, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cosby, Dial, Edwards, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Holley, Laird, Letson, McKee, McMillan, Manley, Minus, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turner, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—52

Nays:

Reps. Adams (C), Amari, Bennett, Blake, Bowling, Brakefield, Buskey, Cabaniss, Crow, Drinkard, Escott, Ford, Harrison, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, Moore, Naramore, Nevett, Olive, Parker, Stewart, Trammell, Tucker, Waggoner and Zoghby.

—32

AMENDMENT OFFERED

Rep. Cooley offered the following amendment No. 3 to the bill, H. 489 as amended:

In Section 1, line 31, page 7a, add the following sentence to the end of said section:

Provided, however, that the tax collected on such property shall not be lower than that collected in 1981, unless such property is classified as agricultural or residential property, or historic buildings or sites, and such property is reduced in appraisal value and in such event appraisal and taxation hereunder shall be made as otherwise provided herein.

AMENDMENT TABLED

On motion of Rep. Manley, the amendment No. 3 offered by Rep. Cooley to the bill, H. 489 as amended, was tabled.

Yeas 59; Nays 31.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Blake, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Turner, Turnham, Venable, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—59

Nays:

Reps. Albright, Amari, Bowling, Brakefield, Buskey, Crow, Escott, Ford, Hall, Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Lewis, Moore, Naramore, Nevett, Olive, Parker, Riddick, Seibels, Stewart, Trammell, Tucker, Waggoner and Ward.

—31

MOTION TO POSTPONE TABLED

On motion of Rep. Manley, the motion offered by Rep. Tucker to postpone further consideration of the bill, H. 489 as amended, to the twenty-fifth legislative day was tabled.

Yeas 61; Nays 22.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Blake, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Kelley, Kennedy, Laird, Letson, McKee, McMillan, Manley, Minus, Mitchell, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Smith (M), Starkey, Stout, Turner, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—61

Nays:

Reps. Albright, Amari, Bennett, Bowling, Brakefield, Buskey, Cabaniss, Escott, Ford, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Langford, Moore, Naramore, Nevett, Olive, Patton, Trammell, Turnham and Waggoner.

—22

And the bill:

H. 489. To amend section 4 of Act No. 135 enacted at the 1978 Second Extraordinary Session of the Legislature of Alabama (Acts of 1978, p. 1868), §40-7-25.1, Code of Alabama 1975, which act was entitled "An Act to provide for the appraisal, for purposes of ad valorem taxation, by the State of Alabama and by counties, municipalities and other taxing authorities, of certain taxable property at its current use value and not at its fair and reasonable

market value; to amend Sections 40-7-15, 40-7-25, and 40-7-35, Code of Alabama 1975; to prescribe criteria for ascertaining the current use value of eligible taxable property; to require that the owner of eligible taxable property request that such property be appraised at its current use value and to prescribe the contents of the application form to be used therefor; to provide for the treatment of such property in the assessment book prepared by each county tax assessor; to require the abstract of property prepared by each county tax assessor to include certain specified information; to provide for review of the decision of the county tax assessor denying a request for current use valuation of such property; to authorize the Department of Revenue to promulgate regulations regarding the determination of current use value; to provide for the computation and collection of additional taxes when taxable property assessed at its current use value is converted to a use not qualifying for such assessment; to provide that such additional taxes shall be a lien on such taxable property; and to provide an effective date for the act," so as to provide for the further definition of current use value of Class III property and to provide for methods of determining current use value on and after October 1, 1981 through the use of standard value formulas, to describe and set out those formulas, and to provide a mechanism for appeal of standard value determination with respect to individual parcels of Class III property.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 33.

Yeas:

Mr. Speaker, Barton, Blake, Boles, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Edwards, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Kelley, Laird, Letson, McMillan, Manley, Minus, Mitchell, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stout, Trammell, Turnham, Venable, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—63

Nays:

Reps. Adams (C), Albright, Amari, Bedsole, Bennett, Brakefield, Buskey, Cabaniss, Clark (W), Drinkard, Escott, Ford, Harrison, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Lewis, Moore, Naramore, Nevett, Olive, Parker, Patton, Seibels, Stewart, Tucker, Waggoner and Zoghby.

—33

MOTION TO ADJOURN LOST

The motion offered by Rep. Turner that the House adjourn until 10:00 o'clock a. m., Thursday, April 2, 1981, was lost.

Yeas 41; Nays 47.

Yeas:

Reps. Adams (C), Bedsole, Biddle, Brakefield, Buskey, Cabaniss, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Daniels, Dixon, Gilmer,

Goodwin, Gregg, Grimsley, Harper (O), Harrison, Harvey, Holmes, Howard, Johnson (Roy), Kennedy, Langford, Letson, McMillan, Manley, Minus, Nevett, Olive, Parker, Penry, Sasser, Smith (M), Turnham, Williams, Willis and Zoghby.

—41

Nays:

Mr. Speaker, Albright, Amari, Barton, Bennett, Blake, Carothers, Carter, Clark (W), Crow, Dial, Gafford, Grouby, Hall, Hammett, Harper (T), Horn, Johnson (R. G.), Kelley, Laird, Lewis, McKee, Mitchell, Moore, Naramore, Owens, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sandusky, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Venable, Waggoner, Warren, Whatley and Wyatt.

—47

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 108. To terminate the state agency for social security, and its advisory board, created by Section 36-28-3, Code of Alabama 1975, and to transfer the functions, duties and responsibilities, including any federal contractual obligations, to the state retirement systems; to provide that all monies collected by the board, and thereafter by the retirement systems, shall be transferred to the state treasury and that any accrued interest thereon shall be credited to the state general fund, and to provide that the provisions hereon shall become effective September 30, 1981.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Whatley, the House non-concurred in the Senate amendment to the bill, H. 108, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To continue the creation and operation of the state agency for social security, and its advisory board, created by Section 36-28-3, Code of Alabama 1975.

Be it Enacted by the Legislature of Alabama:

Section 1. The state agency for social security and the state social security advisory board created by Section 36-28-3, Code of Alabama 1975, which together comprise the state agency for social security, and which are functioning pursuant to Sections 36-38-1 through 36-28-10, Code of Alabama 1975, are hereby continued.

Section 2. Sections 36-28-1 through 36-28-10, Code of Alabama 1975, are hereby continued.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 59; Nays 24.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Blake, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Daniels, Dial Gafford, Gilmer, Goodwin, Gregg, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Horn, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Naramore, Owens, Patton, Payne, Pegues, Penry, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Stewart, Stout, Turner, Waggoner, Ward, Warren, Whatley, Williams and Zoghby.

—59

Nays:

Reps. Bennett, Boles, Buskey, Cheatwood, Clark (W), Crow, Dixon, Drinkard, Escott, Grouby, Holmes, Johnson (R. G.), Johnson (Roy), Kennedy, Letson, Moore, Nevett, Olive, Parker, Rains, Roberts, Smith (C), Turnham and Wyatt.

—24

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 105. To terminate the existence and functioning of the State Board of Registration for Sanitaricians, and to transfer its training funds or monies, duties and functions to the State Health Department.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Pegues, the House concurred in and adopted the Senate amendment to the bill, H. 105, said Senate amendment being as follows:

Amend House Bill 105, page 1, line 34, by striking the following: and further recommends that all functions, duties and responsibilities of the board be transferred to the State Board of Health;

Further amending House bill 105, page 2, line 10, by striking Section 3 in its entirety and substituting in lieu thereof the following: Sections 34-28-1 through 34-28-45 of the Code of Alabama, 1975, are hereby repealed.

Yeas 72; Nays 3.

Yeas:

Mr. Speaker, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Daniels, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Horn, Howard, Johnson (R. G.), Kennedy, Laird, Langford, Letson, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Pegues, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Warren, Williams, Wyatt and Zoghby.

—72

Nays: Reps. Albright, Hall and Stout.

—3

And the bill, H. 105 as thus amended, was again read at length and passed.

Yeas 78; Nays 2.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Escott, Gafford, Gilmer, Goodwin, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Johnson (R. G.), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (M), Stewart, Trammell, Turner, Venable, Waggoner, Warren, Whatley, Williams, Wyatt and Zoghby.

—78

Nays: Reps. Daniels and Stout.

—2

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 106. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Social Work Examiners as provided in Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, with certain modifications; to amend Section 34-30-26 of the Code of Alabama 1975, so as to specifically provide that failure to actively practice social work shall not be a basis for denying a license renewal provided all fees are paid.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Drinkard offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 106, said Senate amendment being as follows:

Amend House Bill 106, page 2, line 34, by inserting the following new Section 5:

"Section 5. This Board shall be reviewed by the Sunset Committee for the legislative year 1982."

Further amend by renumbering the remaining sections accordingly.

SUBSTITUTE MOTION TABLED

On motion of Rep. Drinkard, the substitute motion offered by Rep. Cosby that the House non-concur in the Senate amendment to the bill, H. 106, and request a Committee on Conference, was tabled.

Yeas 62; Nays 24.

Yeas:

Reps. Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Goodwin, Grimsley, Grouby, Harvey, Holmes, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, Lewis, McKee, McMillan, Manley, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Penry, Rains, Riddick, Roberts, Sandusky, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turnham, Waggoner, Warren, Williams, Wyatt and Zoghby.

—62

Nays:

Reps. Albright, Blake, Cosby, Dial, Escott, Gilmer, Gregg, Hall, Hammett, Harper (T), Harrison, Holley, Howard, Jackson, Minus, Payne, Pegues, Sasser, Seibels, Shoemaker, Smith (M), Tucker, Venable and Whatley.

—24

SENATE AMENDMENT ADOPTED

The question was then on the motion offered by Rep. Drinkard that the House concur in and adopt the Senate amendment to the bill, H. 106, and the amendment was adopted.

Yeas 70; Nays 13.

Yeas:

Reps. Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Harrison, Harvey, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Lewis, McKee, McMillan, Minus, Mitchell, Moore, Nevett, Olive, Owens, Patton, Penry, Rains, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Williams, Wyatt and Zoghby.

—70

Nays:

Reps. Albright, Clark (G), Escott, Gilmer, Gregg, Hall, Hammett, Holley, Jackson, Parker, Payne, Pegues and Whatley.

—13

And the bill, H. 106 as thus amended, was again read at length and passed.

Yeas 73; Nays 11.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Goodwin, Grimsley, Grouby, Harper (O), Harper (T), Harvey, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Penry, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Williams, Wyatt and Zoghby.

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Nays:

Reps. Albright, Escott, Gilmer, Gregg, Hall, Hammett, Holley, Jackson, Payne, Pegues and Whatley.

—11

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 102. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-20, 34-29-23 of the Code of Alabama 1975, so as to: limit board members to two terms; and to provide further for the compensation of board members.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Hammett offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 102, said Senate amendment being as follows:

On page 6, line 14, after the period, add the following language: Any person whose license has been suspended for failure to make annual renewal may have same reinstated upon payment to the Board all fees that would have been paid if he/she had maintained their license in good standing plus a reinstatement fee of Fifty (\$50.00) Dollars and possible re-examination according to the discretion of the Board.

On page 6, line 18, strike the language "\$15.00." and insert in lieu thereof: Fifty Dollars (\$50.00) in addition to all other costs involved in standing the state board examination.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41, and 34-29-45 of the Code of Alabama 1975, so as to: limit board members to two terms; authorize the board to increase the following fees: (1) examination fee for veterinarians, not to exceed \$50.00; (2) annual renewal fees for veterinarians, not to exceed \$25.00; (3) examination fee for animal technicians, not to exceed \$25.00; and (4) annual renewal fees for animal technicians, not to exceed \$15.00; and to provide further for the compensation of board members.

Be it Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Veterinary Medical Examiners, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-29-1 through 34-29-46, Code of Alabama 1975, with the additional recommendations for statutory changes of the board as set out in Section 4 hereof.

Section 2. The Legislature concurs in the recommendation of the Sunset Committee provided in Section 1 of this act.

Section 3. The existence and functioning of the Board of Veterinary Medical Examiners created and functioning pursuant to Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975 are hereby continued.

Section 4. Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41 and 34-29-45 of the Code of Alabama 1975 are hereby amended to read as follows:

"§ 34-29-4. The Alabama state board of veterinary medical examiners may establish qualifications and rules and regulations for the examination and registration of animal technicians, which animal technicians shall be defined as persons other than a veterinarian who perform those acts which require limited skill, responsibility and a minimal exercise of independent judgment in the treatment of patients of veterinarians and under the direct and immediate supervision of veterinarians.

"Any veterinarian who is legally qualified to practice in the state of Alabama may be issued a permit by the Alabama state board of veterinary medical examiners to employ animal technicians under such terms and conditions as may be proposed by the said Alabama state board of veterinary medical examiners. Anyone who employs an animal technician must make an application to the Alabama state board of veterinary medical examiners for a permit to employ a specific person whose name, together with such other information as may be desired, shall be furnished to the said Alabama state board of veterinary medical examiners, and the said board may also require

the proposed animal technician to submit to an examination. The fee for such examination shall not be less than \$10.00 nor more than \$20.00 be determined by the board not to exceed \$25.00. The board shall issue permits to the veterinarians and permit certificates to the animal technicians who have passed the examination and have been found qualified by the board. There shall be an annual renewal of each permit issued and a renewal fee established by the board, not to exceed \$5.00 \$15.00. Such a permit shall cover the specific employment to which it refers and does not authorize the holder thereof to employ any other technician other than the one named in the permit. A permit shall be obtained for each animal technician employed.

"Animal technicians shall not perform any duties or operations anywhere at any time or any place, except under the direct and immediate supervision or in the office of a legally qualified veterinarian or in a school or hospital that holds a permit from the Alabama state board of veterinary medical examiners to employ such animal technicians, and said permits shall be displayed at all times in the office of the holder thereof at such place as to be easily accessible to the public or his patients. Said board may cancel any such permit which it may have issued for violation of the laws of Alabama relating to the practice of veterinary medicine or for the violation of any of the rules and regulations of the said board after giving such persons 10 days' notice of the time and place of hearing; and, should the board revoke the said permit, such persons shall have the right of appeal to the circuit court, to be heard and governed as appeals by veterinarians in such cases are heard and governed. The state board of health, schools or hospitals may be issued permits to employ animal technicians under such terms and conditions as may be prescribed by the Alabama state board of veterinary examiners. Any veterinarian who permits the duties of the animal technician to be done in his office without having been issued a permit as herein provided or any person who is employed as an animal technician whose employer has not obtained a permit shall be guilty of a misdemeanor and, upon conviction, for the first offense shall be fined not less than \$50.00 nor more than \$500.00 and, for the second offense, not less than \$250.00 nor more than \$500.00, and may also be imprisoned at hard labor not less than three months nor more than four months. Nothing, however, in this article shall be construed to prevent a student of veterinary medicine from performing operations under the supervision of a competent instructor in veterinary medicine recognized by the Alabama state board of veterinary examiners."

"§ 34-29-20. A state board of veterinary medical examiners is established to consist of five members, who shall be members of the state veterinary medical association of Alabama in good standing, and who shall be graduates of an accredited veterinary medical college, approved by the American Veterinary Medical Association. No board member shall serve more than two (2) terms of office, provided further, that any person serving as a board member as of the effective date of this act shall be entitled to serve an additional term of office. The state board of veterinary medical examiners shall be a body corporate, with the right to sue and be sued. It shall have and use a seal. It shall have the right and power to hold hearings, to call witnesses and to take testimony bearing on the records of applicants for certificates of qualifications to practice veterinary medicine and surgery in Alabama, and on the records of practitioners who may be under consideration by the board on charges of misconduct. The state board of veterinary medical examiners in its corporate capacity, or any individual member of the board, may prosecute in court an action of quo warranto or other proper action to oust from the practice any unlawful practitioner of veterinary medicine or surgery or may assist the attorney general or any district attorney in prosecutions for criminal violations of this chapter."

"§ 34-29-23. The members of the state board of veterinary medical examiners shall receive \$40.00 \$100.00 a day for each day such a member is actually engaged in the work of the state board and, in addition, the usual per diem expenses allowed to other persons acting in the service of the state of Alabama or any of its agencies, institutions, boards, bureaus or commissions. The secretary-treasurer shall receive, in addition thereto, a salary of \$100.00 a year. He shall be required to make semiannual reports in detail to the board. The legal expenses of the board for administration of this chapter shall be paid from funds in the state treasury to the credit of the board and shall be paid only on warrant of the state treasurer and approved by the governor. No funds shall be withdrawn or expended except as budgeted and allotted according to the provisions of Title 41, chapter 4, article 4 of this Code and only in amounts as stipulated in the general appropriations act."

"§ 34-29-41. Every person who shall hold a certificate of qualification to practice veterinary medicine and surgery in Alabama and who shall engage in such practice shall pay an annual privilege license fee of \$10.00 an amount to be determined by the board, not to exceed \$25.00, which shall be paid to the secretary-treasurer of the state board of veterinary medical examiners, the same to be payable not later than January 15 in each calendar year; except, that those who receive certificates of qualification to practice during the calendar year shall have 10 days thereafter in which to pay such annual privilege license fee; and except, that former practitioners who resume practice during the calendar year shall have 10 days after such resumption of practice to pay such annual privilege license fee. Each person who shall apply to the board for a certificate of qualification, whether upon examination or upon certification from another state, shall accompany each such application with a fee of \$15.00. All fees collected hereunder shall be paid to the secretary-treasurer and shall be accounted for by him in detail. These fees shall be deposited in the state treasury to the credit of the state board of veterinary medical examiners and shall be used and expended by said board for the administration and enforcement of this article."

"§ 34-29-45. The state board of veterinary medical examiners shall, in its bylaws, fix times and places for at least two regular examinations each year and shall give wide publicity to the profession of the times and places of such regular examinations. It may hold special examinations from time to time and, in its own discretion, anywhere in the state of Alabama. At least three of the members must be present when any examination is conducted. Said examinations shall be theoretical and practical and may either be written or oral, partly written and partly oral. All examinations shall include the following subjects: veterinary anatomy, veterinary surgery, veterinary medicine, veterinary obstetrics, pathology and bacteriology, therapeutics and pharmacy, veterinary physiology, animal husbandry and dairying, meat inspection, milk inspection, chemistry and veterinary sanitation. The board is authorized to establish and collect an examination fee, not to exceed \$50.00, for each examination given."

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Seibels that the House non-concur in the Senate amendment to the bill, H. 102, and request a Committee on Conference was adopted.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holmes, Horn, Johnson (R. G), Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (M), Starkey, Stewart, Trammell, Turner, Turnham, Venable, Waggoner, Warren, Whatley, Williams, Wyatt and Zoghby.

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Nay: Rep. Clark (W).

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COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House Reps. Hammett, Dial and Seibels.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:30 P. M. on March 31, 1981.

H. 297.

H. J. R. 180.

H. J. R. 186.

H. J. R. 187.

H. J. R. 190.

Delivered to the Governor at 3:30 P. M. on March 31, 1981.

H. 137.

H. 138.

H. 139.

H. 316.

H. 420.

H. 567.

H. 568.

H. 569.

H. 587.

H. J. R. 198.

REGULAR SESSION
15th Day

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H. J. R. 200.

Delivered to the Governor at 4:20 P. M. on March 31, 1981.

H. 492.

H. 493.

H. 494.

H. 495.

H. 575.

H. 92.

H. 93.

H. 94.

H. 95.

H. 96.

H. 98.

H. 99.

H. 107.

Delivered to the Governor at 5:00 P. M. on March 31, 1981.

H. 101.

H. 103.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Manley and pursuant to the resolution, H. R. 195, heretofore adopted, the House adjourned until 10:00 o'clock a. m., Thursday, April 2, 1981.

Yeas 48; Nays 40.

Yeas:

Reps. Adams (C), Bedsole, Bennett, Bowling, Brakefield, Buskey, Cabaniss, Carothers, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cooley, Cosby, Daniels, Dixon, Goodwin, Gregg, Harper (O), Harvey, Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Laird, Langford, Letson, Manley, Minus, Naramore, Nevett, Olive, Parker, Patton, Seibels, Smith (M), Trammell, Tucker, Turner, Turnham, Waggoner, Williams, Willis, Wyatt and Zoghby.

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Nays:

Mr. Speaker, Adams (H), Albright, Amari, Barton, Blake, Boles, Campbell, Carter, Crow, Dial, Drinkard, Edwards, Ford, Cafford, Grimsley, Grouby, Hall, Harper (T), Johnson (R. G.), Lewis, McKee, McMillan, Mitchell, Moore, Owens, Payne, Pegues, Penry, Rains, Riddick, Roberts, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Venable, Warren and Whatley.

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SIXTEENTH DAY

House of Representatives
Montgomery, Alabama
Thursday, April 2, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Thomas Lane Butts, Minister, First United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifteenth legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the fifteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the fifteenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Hines due to illness.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 203. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when we adjourn today, Thursday, April 2, 1981, we adjourn to meet again on Tuesday, April 7, 1981, at 1:00 P.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 203, was adopted.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolution hereinafter mentioned was delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 9:15 A.M. on April 1, 1981.

H. J. R. 202

JOHN W. PEMBERTON,
Clerk.

BILLS ON SECOND READING

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 150. (With Amendment): To provide further for the annual salaries of certain constitutional officers of this state.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 19. To prohibit the levy of an increased amount of alcoholic beverage tax on the increased amount that a "collector's" bottle of liquor as defined by the alcoholic beverage control board sells for over the amount a regular bottle of the same size and kind of liquor sells for.

H. 552. To amend Section 11-54-95 of the Code of Alabama 1975 so as to permit the filing of for record in the office of the judge of probate without the payment of any tax or fees (other than recording fees) not only any leases made by a municipal industrial development board but also any agreements or contracts of sale made by any such board and any deeds or other documents whereby properties are conveyed by any such board pursuant to a contractual obligation or as a result of the exercise of an option granted by such board, and so as to provide that such documents, as well as the others referred to in said Code section, may be so filed without the payment of any taxes or fees (other than recording fees) not only in the office of the judge of probate of the county in which such board is organized but also in the office of the judge of probate of any county in which any property involved is located.

H. 640. To amend Section 16-13-71 of the CODE OF ALABAMA 1975 so as to provide that (a) warrants issued pursuant to Article 4 of Chapter 13 of Title 16 may bear rate or rates of interest not exceeding twelve percent per

annum, (b) no warrants may be sold pursuant to such Article at a price which would yield more than twelve percent, and (c) warrants payable out of the proceeds of any privilege, license or excise tax or taxes may have a maturity or maturities not exceeding 40 years from their date.

H. 652. Relating to the state merit system; to further provide for the adoption of new classification and compensation plans for the state service, or changes in sick leave policies.

H. 160. To provide that the state agencies, departments, boards or commissions may purchase liability insurance or be the self-insuror of the wrongful acts or omissions committed by their employees, agents, or servants while in the performance of their official duties in the line and scope of their employment; to establish the procedure for notification of the state Attorney General of suits against state employees for acts committed in the line and scope of their performance; and to provide that the charges or costs of such liability insurance or self insurance shall be borne from the general operating funds of the various state agencies, boards, commissions or departments.

H. 758. To amend Section 40-23-4, Code of Alabama 1975, which provides for exemptions from sales taxation, so as to include aircraft manufactured and sold, but not domiciled in the State within the exemption.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 542. (With Substitute) (With Amendment): To amend further Section 40-23-1, Code of Alabama 1975, relating to sales and use taxes so as to further define the term, "wholesale sale or sale at wholesale", as it relates to certain tangible personal property or products.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 593. (With Amendment): To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$3,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Sections 40-25-2 and 40-25-23, Code of Alabama 1975, to the extent necessary to pay the principal of and interest on

bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the state treasurer shall be the custodian of the funds of the Authority.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 35. To make an additional appropriation to the Alabama Liquefied Petroleum Gas Board from the Alabama Liquefied Petroleum Gas Board Fund, for salaries and certain other expenses for the fiscal year ending September 30, 1981.

S. 106. To amend § 40-17-220, Code of Alabama, 1975 to provide that purchases of gasoline, motor fuel and lubricating oil by city and county boards of education shall be exempt from taxation under the levy provided for in § 40-17-220, Code of Alabama, 1975.

S. 117. To amend Section 2-5-3 of the Code of Alabama 1975 so as to raise the per diem of appointive members of the Farmers Market Authority.

S. 152. To amend Section 2 of Act No. 80-583, S. 453, Regular Session 1980 (Acts 1980, p. 896) in order to clarify the term of office for the additional district judgeship in Tuscaloosa County.

S. 95. To establish an employee suggestion award program whereby cash or awards may be made to state employees whose adopted suggestions result in savings or improvement in state government.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 2. (With Substitute): To provide that all employees of Alabama Educational Television shall be covered under the state merit system law.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 824. To provide that beginning with the 1981-82 school year driver education shall not be a requirement for graduation and to further provide that county and city boards of education may offer driver education subject to such rules and regulations as the State Board of Education may adopt and to repeal Section 16-40-5 of the Code of Alabama of 1975.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 780. To provide further for estates and the rights of spouses therein; to provide further for descent and distribution in the cases of intestacy; to amend Sections 43-3-1, as amended, and 43-3-10, Code of Alabama 1975, which provide for the descent and distribution of real estate and personalty,

respectively, of an intestate, so as to provide further therefor; to repeal Section 43-3-12, Code of Alabama 1975, which relates to the husband's distributive share of his wife's estate; to repeal Sections 43-5-1 through 43-5-53, Code of Alabama 1975, which relate to the wife's dower interest in husband's estate.

H. 468. To authorize the carrying of a handgun by any honorably retired law enforcement officer whose retirement was not based on any pending disciplinary or legal action.

H. 536. To amend Section 17-22-3, Code of Alabama 1975, which relates to an enumeration of activities which constitute corrupt political practices, so as to remove the activities of promoting, aiding, or contributing to the success or defeat of any political proposition or any question or proposition submitted to a vote of the people.

H. 786. To amend Section 30-2-51, Code of Alabama 1975, which provides for allowances upon granting of divorce and exempts certain property from being included within such allowances, so as to provide further for such exempt property.

H. 543. To amend Sections 6-5-351 and 6-5-391 of the Code of Alabama 1975, relating to the rights of a father, or in certain circumstances, a mother, in bringing an action for the seduction or wrongful death of his minor child, so as to provide that the individual or agency having custody may bring such an action under certain conditions, and to provide for the distribution of any recoverable damages that may be awarded.

H. 570. To amend further Section 6-5-332, Code of Alabama 1975, relating to liability for civil damages as a result of rendering first aid or emergency care to certain injured persons, so as to include within the protective provisions of that section certain other persons rendering first aid or emergency care.

H. 750. To provide additional penalties for persons using a firearm while committing or attempting to commit certain crimes.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 662. To amend section 41-16-51, Code of Alabama 1975, as amended, relating to competitive bids so as to exempt purchases of Local Housing Authorities organized under Chapter 1, Title 24, Code of Alabama 1975, from monies other than those raised by state, county or city taxation or received through appropriations from state, county or city sources.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 607. (With Amendment): To amend Sections 34-8-2, 34-8-4, and 34-8-5, Code of Alabama 1975, which relate to the licensing and regulation of general contractors, so as to provide further for said licensing.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills

and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 719. To amend Section 41-16-107, Code of Alabama 1975, relating to contracts for sale of certain state property; providing that the provisions of Article 5 at Sections 41-16-100 through 41-16-109, Code of Alabama 1975, as amended, shall not apply to the sale or disposal of tangible personal property by the State Highway Department when the purchaser or recipient is a county governing body of this state.

H. 700. To amend Section 35-11-210 of the Code of Alabama 1975, which provides for certain liens for work performed so as to provide further for such liens.

H. 676. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineers of this state, so as to remove the requirement that they be registered land surveyors; to delete references to several county exceptions in the existing code section; and to provide for the state highway department's partial payment of the salaries of county engineers as provided by Section 11-6-4, Code of Alabama 1975, regardless of the lack of qualification as a registered land surveyor.

H. 739. To amend Section 36-16-8 of the Code of Alabama 1975, to increase the dollar value from \$100.00 to \$500.00 for nonconsumable property that has to be reported by the property manager of each department or agency of the state to the property inventory control division, and decreasing the frequency of reporting from every six months to every two years.

H. 740. To amend Section 41-1-6 of the Code of Alabama 1975, so as to increase the dollar value from \$100.00 to \$500.00 for nonconsumable personal property which has to be reported by the property manager of each department or agency of the state, and to decrease the frequency of the report from every six months to once every two years.

S. 9. Relating to voter registration; to amend Code of Alabama 1975, Section 17-4-158, so as to require that all city clerks be appointed as deputy registrars.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 159. (With Amendment): To amend further § 11-41-1, Code of Alabama, 1975, as amended, relating to the incorporation of municipalities so as to increase the population requirements for the incorporation of an unincorporated community.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 756. To amend § 40-12-414, Code of Alabama 1975, which provides for establishing proof of financial responsibility by automotive dismantler and parts recycler licensees, so as to permit evidence of net worth of not less than \$25,000 to be an acceptable condition of proof of responsibility.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 350. (With Amendment): To amend Sections 12-12-31 and 12-19-71, Code of Alabama 1975, so as to increase the exclusive jurisdiction of the district court over all civil actions from the present jurisdictional amount of \$500.00 to \$1,000.00 and increase the docket fees.

Rep. Kelley, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 290. (With Substitute) (With Amendments): To provide for the creation and organization of the Alabama Department of Environmental Management; to provide for legislative intent and purposes of the Act; to provide for definitions; to provide for powers and functions of the Department; to provide for an advisory committee to the Director; to provide for a Board of Appeals within the Department; to provide for powers and functions of the Board of Appeals; to provide for appeals of administrative actions; to provide for adopting rules and regulations; to provide for the transfer of functions and personnel; to provide for an interim appropriation; to provide for the repeal or amendment of certain sections of the Code of Alabama 1975, as amended; to provide for the creation of the Alabama Department of Environmental Management Fund; to provide for the transfer of personnel, funds, functions and equipment of the Coastal Area Board of the Office of State Planning and Federal Programs; to provide for the severability of provisions of the Act; to provide that this Act supplements existing law; and to provide for an effective date of this Act.

Rep. Gafford, Chairman of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 737. To amend Section 5-16-31, Code of Alabama 1975, which provides for reorganizations of savings and loan associations, so as to provide that existing mutual savings and loan associations operating in this state may convert from the mutual to the capital stock form of organization upon approval of the savings and loan Commissioner and upon approval by majority vote of members attending a meeting called to consider conversion.

Rep. Whatley, Chairman of the Standing Committee on Agriculture and Forestry, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 278. To amend Section 8-17-85, Code of Alabama 1975, by raising annual permit fees from \$1.00 to \$10.00.

H. 794. To amend Sections 2-2-33, Code of Alabama 1975, requiring the Commissioner of Agriculture and Industries to use employees of the Department of Agriculture and Industries for analysis or tests on products under the control of the Commissioner or the Board of Agriculture and Industries; to also allow certain private labs and testing facilities meeting

specific criteria and standards, set out by regulation, after certification by the Commissioner, to conduct official analysis for the Department of Agriculture and Industries. To amend Section 2-2-35, Code of Alabama 1975, requiring that a certificate, verified by affidavit of any analysis, executed by the chemist who is the Director of a laboratory of the Department of Agriculture and Industries be prima facie of the facts therein; to also require that a certificate, verified by affidavit, executed by a director or supervisor of a private lab or testing facility certified and meeting standards, imposed by regulation, as provided under Section 2-2-33 also be prima facie of the facts therein.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 637. To create a crab catcher's license; to establish when such license is required; to create a tagging system for commercial crab traps; to distribute the proceeds of such licenses; and to provide penalties for violation of this act.

Rep Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

H. 638. (With Amendment): To require licensing of businesses engaged in the sale, processing, and packing for resale of seafood and of wholesale and retail outlets selling seafood and to provide penalties for violation of this act.

H. 624. (With Amendment): To increase the license fees for gill and trammel nets used in saltwaters; to provide for nonresident fees; to provide penalties for the violation of this act; and to repeal Section 9-12-113, Code of Alabama 1975.

Rep. Willis, Chairman of the Standing Committee on Natural Resources, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 625. (With Substitute): To provide for a live bait shrimp dealers license; to regulate the taking and transporting of shrimp for live bait; to regulate the taking of shrimp for commercial and noncommercial purposes by persons other than dealers; to prescribe penalty for persons violating the provisions of this act; and to repeal §§ 9-12-48, 9-12-55 through 9-12-60 inclusive, 9-12-92, and 9-12-93, Code of Alabama 1975.

Rep. Holley, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 445. (With Substitute): To eliminate inclusion by the Alabama Public Service Commission of Construction Work-In-Progress in the reasonable value of property devoted to public utility service by an electric utility regulated by the Alabama Public Service Commission, to provide that no

Allowance for Funds Used During Construction shall be added to or otherwise made a part of the cost of any plant placed in service by such electric utility after the effective date of this Act in determining the reasonable value of such property upon which such electric utility may earn a fair net return, and to provide for the repeal of all laws or parts of laws which conflict with the provisions of this Act.

Rep. Edwards, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 147. To amend Section 11-43-80, Code of Alabama 1975, which Section relates to powers, duties, office and salary of mayors and as superintendent of a municipal utility system or systems so as to remove the limitations of salary payable to mayors for services rendered as superintendent of a municipal utility system or systems; to provide an effective date.

S. 148. To amend Section 11-50-16, Code of Alabama 1975, which Section relates to employment of the mayor or president of board of commissioners as superintendent of a municipal utility system or systems, duties and compensation and validation of prior employment, so as to remove the limitations of salary payable to mayors or presidents of boards of commissioners for services rendered as superintendent of a municipal utility system or systems; to extend said Section to incorporated municipalities organized and operating under the provisions of Articles 2 and 3 of Chapter 44, Code of Alabama 1975; to provide an effective date.

S. 155. To amend Sections 11-48-48 and 11-48-49, Code of Alabama 1975, which Sections relate to the payment of municipal improvement assessments, so as to liberalize the times for payments and to adjust interest rates; to provide an effective date.

S. 144. To repeal Section 11-52-74, Code of Alabama 1975, and to amend Section 11-52-77, Code of Alabama 1975, which Sections relate to the procedures for adoption of zoning ordinances, so as to provide procedures and requirements of publication in a newspaper of general circulation within the municipality, or if no such newspaper is published to provide procedures and requirements of posting notice of proposed zoning ordinance, and notice shall be given of the time and place that such ordinances are to be considered and stating that all persons shall have an opportunity of being heard in opposition or in favor of such ordinance.

Rep. Gilmer, Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 419. To amend Section 23-1-6, Code of Alabama 1975, which provides for the highway department to regulate and control the placing of markers, signs, and advertising on the right-of-way of all state-controlled highways; to prohibit the placing of any commercial sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise on the right-of-way of any road, highway, or bridge which is a part of the state highway system whether title to said right-of-way be vested in the State of Alabama in fee, by easement, adverse possession, prescription or by any other means in which title may vest; provide notice to owner and for removal of said signs and penalty for the violation of any provision of this act, and to repeal any and all laws that conflict with any provision of this act.

H. 442. To provide that no commercial enterprise or activity shall be maintained, constructed, or located within the right-of-way limits of any highway or bridge on the state highway system whether temporary or permanent, stationary or portable, except utility structures authorized by permit issued by the state highway department; to further provide the penalty for violations.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 798. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

H. 799. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

H. 801. Relating to the Thirtieth Judicial Circuit; changing the jury strike system to a one-strike system in trials by jury for misdemeanors or felonies, or upon appeals to the circuit court from lower courts; repealing conflicting laws.

H. 819. Relating to Cleburne County; providing an additional expense allowance for the county tax assessor.

H. 820. To provide for a special recording fee of \$1.50, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Clay County.

H. 829. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

H. 830. Relating to Clay County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

H. 831. Relating to Clay County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

H. 832. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

H. 827. Relating to Crenshaw County; to provide for an additional expense allowance for election officials of said county.

H 828. Relating to Crenshaw County; to provide for an additional expense allowance for the members of the jury commission of said county.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 561. (With Amendments): Relating to Mobile County; to authorize the county commission to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing dirt, clay, sand, gravel, rocks, stone, topsoil, oyster shells, or sea shells within the county and transporting said materials out of the county; to provide that the proceeds from the tax be distributed to the county road and bridge fund; to authorize the tax collector to inspect the books of each person severing said materials; to authorize the county commission to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; to set certain bookkeeping requirements and to prescribe penalties for the violations of the provisions of this act.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 629. To provide for supplementing the salaries or compensation paid to certain semiretired or retired district judges in the 13th Judicial Circuit.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 677. (With Amendment): Relating to Mobile County; providing for the registration, licensing and regulation of buyers of gold and silver.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 281. Relating to Mobile County; to exempt Mobile County from the provisions of any Act of the 1981 Regular Session of the Alabama Legislature increasing the salaries of state troopers or any other employee of the Alabama Department of Public Safety.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 679. (With Amendment): Relating to Mobile County; to provide further for the compensation of election employees and officers.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 680. To repeal Act No. 263, S. 222, Special Session 1961 (Acts 1961, p. 2280), which Act provides for compensation of election officers in counties having a population of not less than 300,000 nor more than 500,000, according to the latest federal decennial census.

Rep. Gregg, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 806. To provide for and create the Huntsville-Madison County Racing Commission, for the regulating, licensing and supervision of Greyhound racing and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 781. To amend Sections 3 and 4 of Act No. 138, 1978 Second Extraordinary Session (Acts of 1978, p. 1875), so as to allow either fixed or variable interest rates to be borne by the Bonds authorized in said Act, to fix a maximum interest rate of 12% per annum on such Bonds and otherwise to exempt such Bonds from State usury laws, including, without limitation, Title 8, Chapter 8, Code of Alabama 1975, or any subsequent statute of similar import, and to provide that in the case of Bonds bearing floating or variable interest rates (a) the Board of Directors of the Authority (i) shall fix the method by which the interest rates on the Bonds shall be determined, (ii) shall specify the maximum rate of interest that may be borne thereby (not exceeding 12% per annum), and (iii) may specify a minimum rate of interest that may be borne by the Bonds, and (b) the Bonds shall be sold to the bidder offering to pay the highest price to the Authority for the series of Bonds being sold, and to provide for five days notice in the event of certain reofferings of the Bonds.

NOTICE IN WRITING

Rep. Whatley filed the following Notice in Writing:

NOTICE IN WRITING

Having voted on the prevailing side whereby the Senate substitute for H. B. 108 was non-concurred in I hereby move to reconsider that motion.

NOTICE IN WRITING

Rep. Penry filed the following Notice in Writing:

Having voted on the prevailing side by which the vote was taken to non concur in the Sentate amendment to H. B. 108, I move that the vote be reconsidered.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 105. To terminate the existence and functioning of the State Board of Registration for Sanitaricians, and to transfer its training funds or monies, duties and functions to the State Health Department.

Also:

H. 106. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Social Work Examiners as provided in Sections 34-30-20 through 34-30-58 of the Code of Alabama 1975, with certain modifications; to amend Section 34-30-26 of the Code of Alabama 1975, so as to specifically provide that failure to actively practice social work shall not be a basis for denying a license renewal provided all fees are paid.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolutions and ordered same returned to the House with a favorable report:

S. J. R. 93. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MR. PATRICK H. PETTWAY OF GREENE COUNTY, ALABAMA.

Also:

S. J. R. 94. DESIGNATING PROFESSIONAL SECRETARIES WEEK AND PROFESSIONAL SECRETARIES DAY IN ALABAMA.

Also:

S. J. R. 95. DESIGNATING PROFESSIONAL SECRETARIES WEEK AND PROFESSIONAL SECRETARIES DAY IN TUSCALOOSA COUNTY, ALABAMA.

Also:

S. J. R. 103. HONORING MRS. EDRIS SPEER UPON HER RETIREMENT FROM THE HEALTH CARE INDUSTRY OF ALABAMA.

Also:

S. J. R. 104. COMMENDING MR. YANCEY PARKER, PROMINENT ENTERPRISE BUSINESS AND CIVIC LEADER.

Also:

S. J. R. 105. COMMENDING MR. WARREN H. BROWN, DISTINGUISHED UNITED STATES ARMY VETERAN AND LONGTIME SUPPORTER OF THE AMERICAN LEGION.

Also:

S. J. R. 106. HONORING MR. GEORGE JOHNSON UPON HIS RETIREMENT AS ADMINISTRATOR OF CROSS TRAILS REGIONAL LIBRARY.

Also:

S. J. R. 107. COMMENDING MRS. JANE BENTON DAVIS UPON HER RETIREMENT.

On motion of Rep. Biddle, the resolutions, S. J. R. 93, S. J. R. 94, S. J. R. 95, S. J. R. 103, S. J. R. 104, S. J. R. 105, S. J. R. 106 and S. J. R. 107 were adopted.

RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. R. 204. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special and paramount order of business April 2, 1981, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills and Resolutions

Uncontested Local Bills

By Rep. Grouby:

331 p. 20 Pre school exemption bill

By Rep. Owens:

H. 448 p. 66 Appropriation, Conservation Dept.

By Rep. Kelley:

H. 545 p. 59 Oil and gas production tax

By Rep. Kelley:

H. 546 p. 59 Oil and gas severance tax

By Rep. Biddle:

H. 327 p. 55 Casual sales

By Rep. Biddle:

H. 43 p. 13 Exempt drugs from sales tax

By Rep. Adams (C):

H. 71 p. 8 Counties to self insure

By Rep. Patton:

H. 121 p. 13 Revise juvenile age

By Mr. McDonald:

S. 112 p. 83 Airport authorities

By Rep. Bedsole:

H. 41 p. 13 Medicaid fraud

By Rep. Boles

H. 464 p. 28 Medal of honor tags

By Rep. Waggoner:

H. 361 p. 52 Alabama Aviation Hall of Fame

By Rep. Roberts:

H. 359 p. 27 Firecrackers

By Rep. Langford:

H. 691 p. 94 Additional Circuit Judgeship

By Rep. Kennedy:

H. 559 p. 92 Child abuse

By Rep. Blake:

H. 210 p. 5 Wire fish baskets

By Rep. Smith (J):

H. 369 p. 17 County governing bodies

By Rep. Payne:

H. 406 p. 68 Hand guns

By Rep. Lewis:

H. 218 p. 22 Public health reports

By Rep. Sasser:

H. 363 p. 52 Parole officers, annuity

By Rep. Cabaniss:

H. 237 p. 32 Medicare Supplement bill

By Rep. Holley:

H. 6 p. 8 Alabama Capitol Complex

By Rep. Smith (M)

H. 512 p. 54 State capitol police officers

By Rep. Dixon:

H. 192 p. 22 Controlled Substances Therapeutic Research Act

By Rep. Williams:

H. 556 p. 68 Short barrel shot guns

By Rep. Pegues:

H. 742 p. 103 Labeling honey

By Rep. Bowling:

H. 422 p. 71 Garnishment of wages for child support

By Rep. Bowling:

H. 423 p. 71 Paternity suits, time limitation

By Rep. Gafford:

H. 287 p. 3 Extend provisions of Act 738

By Rep. Mitchell:

H. 734 p. 102 Funeral Services Board

By Rep. Campbell:

H. 353 p. 28 Abandoned motor vehicles

By Rep. Owens:

H. 153 p. 27 Election state employees, Personnel Board

By Rep. McKee:

H. 125 p. 39 Commission city elections

By Rep. McKee:

H. 129 p. 40 Mayor-council city elections

By Rep. Adams (C)

H. 336 p. 41 Highway Director, federal funds

By Rep. Harper (T)

H. 410 p. 27 Uniform plans for school construction

By Rep. Letson:

H. 63 p. 4 Fertilizer

By Rep. Letson:

H. 65 p. 4 Filing fee for public warehouses

By Rep. Sasser:

H. 563 p. 64 ABC Board, definitions

By Rep. Bowling:

H. 386 p. 103 Child labor

By Rep. Bowling:

H. 385 p. 65 Industrial Relations

By Rep. Smith (J)

H. 371 p. 53 Disabled veterans tags, design

By Rep. Greer:

H. 717 p. 97 Raise speed limits

By Rep. Parker:

H. 646 p. 74 Barber Board established

By Rep. Bennett:

H. 20 p. 26 Public employees payroll deduction

By Rep. Cates:

H. 321 p. 24 State Banking Board

By Rep. Willis:

H. 428 p. 36 Conservation Dept, property

By Rep. Holley:

H. 49 p. 2 Hospitals, itemized statements

On motion of Rep. Biddle, the resolution, H. R. 204, was adopted.

Also:

By Reps.:McKee, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McCorquodale, McMillan, Manley, Minus, Mitchell, Moore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 205. NAMING THE SUMITON ELEMENTARY SCHOOL IN SUMITON, WALKER COUNTY, ALABAMA, THE "ALVIS E. NARAMORE SCHOOL."

WHEREAS, Alvis E. Naramore of Jasper, Alabama, is serving his third consecutive term in the Alabama Legislature representing House District 13, the Eastern portion of Walker County; and

WHEREAS, a native of Walker County and a Jasper businessman, Mr. Naramore has long distinguished himself in service to his community and indeed to the entire State of Alabama; and

WHEREAS, a graduate of Carbon Hill High School, Alvis Naramore is a member of the Chamber of Commerce, Shriners, Order of the Eastern Star, Masons and the Elks; and

WHEREAS, Representative Naramore in serving the needs of the citizens of Walker County and Alabama is a staunch proponent of the public schools of our state, recognizing that future prosperity for Alabama is dependent upon the education of our youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to our friend and colleague, Representative Alvis E. Naramore, we hereby name the Sumiton Elementary School in Sumiton, Walker County, Alabama, the "Alvis E. Naramore School."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said school as the "Alvis E. Naramore School."

RESOLVED FURTHER, That Mr. Naramore receive a copy of this resolution as a memento of this honorary designation in gratitude for his service to Walker County and to the State of Alabama.

On motion of Rep. McKee, the rules were suspended and the resolution, H. J. R. 205, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Harvey:

H. 837. Establishing, providing for appointment to and operation of a Board of X-Ray Technologists and Technicians; to provide for the educational standards for X-Ray Technologists and Technicians; to provide for the examination and certification of an annulment, revocation, or suspension or certification; providing for the enforcement of this act; providing for and prescribing penalties and fees.

Education.

By Reps. Starkey, Coburn, Carter, Whatley, Gregg, Patton and Greer:

H. 838. To authorize and establish procedures by which the electors of a municipality, organized under the commission form of government provided for in Sections 11-44-1 through 11-44-57, Code of Alabama 1975, as amended, may provide and prescribe specific offices to the commissioners of such municipality, through an election for that purpose; to establish a designation of the office of each commissioner upon approval by the electors; to establish an effective date and to provide for a liberal construction of this Act.

Local Government.

By Rep. Sandusky (With Notice and Proof):

H. 839. To establish the Mobile County Litter Control Act of 1981; to provide purpose and intent; to provide for definitions, penalties, enforcement and collection of fines. To provide for an effective date, severability and the repeal of conflicting acts.

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 839, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Sandusky (With Notice and Proof):

H. 840. To amend Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123).

Local Legislation No. 3.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 840, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Greer:

H. 841. To require electrical utility companies to charge the same type and category customer the same rate regardless if said customer lives in a municipality or in an unincorporated area.

State Administration.

By Reps. Kelley and Roberts:

H. 842. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state.

State Administration.

By Reps. Howard and Lewis (With Notice and Proof):

H. 843. To grant to the City of Bessemer the right to demolish unsafe buildings; and to provide further for the following: The procedure for a determination of the ownership of the real property or building and notice of a hearing; the procedure for holding the hearing before the city governing body; the procedure for appeal to the circuit court; the right of the city to obtain a lien for the cost of demolition; the authority to assess against property sold to the State of Alabama for taxes; the method of collection of assessments.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 843, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Sasser (With Notice and Proof):

H. 844. Relating to Dale County; providing further for the expense allowance of the members of the county board of education and repealing Act No. 77, H. 458, Regular Session 1965, (Acts 1965, p. 104).

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 844, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Goodwin (With Notice and Proof):

H. 845. Applicable to the City of Russellville, Franklin County, Alabama, to provide an expense allowance to the Mayor and to each member of the city governing body of said city.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 845, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner:

H. 846. Proposing and amendment to the Constitution of Alabama relating to the compensation of certain officials in the various counties of the State charged with the assessing and collecting of ad valorem taxes.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Rep. Waggoner:

H. 847. To establish and fix the salaries of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State; to abolish the fee system of compensation of such officials presently on a fee system; to provide for the method of payment of the salaries herein established; to provide for the personnel and other expenses necessary to the operation of such officials' offices; to provide that employees of the officials herein converted from a fee to a salary basis of compensation may continue their employment irrespective of the Alabama Ethics Act or any State nepotism laws; to provide for the payment of the fees, commissions and allowances paid to such officials presently on a fee system to be paid into the treasury from which their salaries are paid; to provide for cost-of-living increases to the salaries herein established; to repeal all laws in conflict; and to establish the effective date of this Act.

Constitution and Elections.

By Rep. Penry (With Notice and Proof):

H. 848. To provide for a supplemental salary payable out of the Baldwin County General Fund, the annual sum of Six Thousand Dollars

(\$6000.00) per year to all circuit judges and Fifty Four Hundred Dollars (\$5400.00) per year for all district judges, serving within the 28th Judicial Circuit of Alabama.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 848, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Cobb, Coburn and Goodwin:

H. 849. To declare that the site of the former Vina High School located at Vina, Alabama, in Franklin County, is hereby fully approved for the construction, erection and maintenance of a public high school.

Natural Resources.

By Rep. Seibels:

H. 850. To provide for and regulate the practice of acupuncture; to establish the acupuncture advisory committee to administer the provisions of this act; to provide for the issuance of a license to practice acupuncture; and to prescribe penalties for practicing acupuncture without a license.

Health.

By Rep. Turner:

H. 851. Relating to section 17-4-138, Code of Alabama 1975, which relates to payments made to either the probate judge or to clerical assistants of the probate judge for the preparation of lists of qualified electors as required by law, so as to amend said code section to terminate such payments to those judges compensated on a salary basis.

Constitution and Elections.

By Reps. Shoemaker and Johnson (R. G.):

H. 852. To amend section 20-2-2 (4) of the Code of Alabama, 1975, as amended to substitute the Medical Licensure Commission for the State Board of Medical Examiners as a certifying board for the purpose of administering the Alabama Uniform Controlled Substances Act as it relates to physicians and osteopaths; and to amend section 20-2-56 of the Code of Alabama, 1975, as amended, to give the rule making power presently held by the State Board of Medical Examiners to the Medical Licensure Commission.

Health.

By Reps. Zoghby, Harper (T), Stewart, Parker, Smith (M) and McMillan:

H. 853. To prohibit the training or possession of dogs used to fight other dogs; to prohibit the exhibition of fighting dogs; to prohibit attendance at exhibitions of fighting dogs; and to provide penalties for violations.

Judiciary.

By Reps. Bowling and Daniels:

H. 854. To regulate the production of alcohol to be used as a fuel; to require the Alcoholic Beverage Control Board to administer this law; to require the purchase of a permit; to provide for legal searches of the premises and to exempt said production from taxation.

State Administration.

By Rep. Gafford:

H. 855. To provide for optional retirement for previously retired state employees.

Judiciary.

By Reps. Penry and McMillan:

H. 856. To amend sections 11-50-310, 11-50-311, 11-50-313, and 11-50-321, Code of Alabama 1975, which provide that municipal utility boards may acquire, operate and finance cable television systems in the same manner as other utility systems, so as to provide further for said systems.

Commerce, Transportation and Utilities.

By Reps. Smith (J), and Carter (With Notice and Proof):

H. 857. Relating to Limestone County; providing additional expense allowances for specified officers of Limestone County; providing for the discontinuance of those allowances upon a specified event; providing additional salary compensation for specified officers of Limestone County; and providing that the payment of such compensation shall begin upon a specified event.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 857, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Kelley:

H. 858. To amend section 12-17-61, Code of Alabama 1975, relating to the number of district court judges in each district, so as to provide two resident district judges for Marshall county and to provide for the initial appointment of the additional judge and prescribe the duties, powers and authority of such judge.

Ways and Means.

By Rep. Owens:

H. 859. To make further conditional appropriations of General Fund monies for the fiscal year ending September 30, 1981.

Ways and Means.

By Rep. Coburn (With Notice and Proof):

H. 860. Relating to Colbert County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light

from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 860, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Harrison and Tucker (With Notice and Proof):

H. 861. To create a transit district consisting of certain municipalities, their police jurisdictions and certain other unincorporated areas in Jefferson County, Alabama, ("the County") and to fund the provision of public transit service within said transit district by the Birmingham-Jefferson Transit Authority ("The Transit Authority") a public corporation organized under Act No. 933 of the 1971 Regular Session of the Legislature of Alabama, to establish a Transit Advisory Committee to monitor the Transit Authority's operations and to supervise periodic reviews of the operations, management, equipment and rates of the Transit Authority to provide funding for the Transit Authority by imposing in the County an occupational license fee of 3/10 of 1% (30¢ of \$100) of the gross compensation of persons engaged in trades, occupations, and professions in the Transit District and providing the method of reporting and collecting the fee; to provide that it shall be unlawful for any person to engage in or follow any trade, occupation or profession in the Transit District as defined in this Act without paying such license fee; to provide for cases in which compensation is earned as a result of work done or services performed both within and without the Transit District to provide exemptions from the said license fee and the provisions of this Act; to provide that employers are to withhold such license fees and file returns each calendar quarter; to provide for situations in which returns must be filed by employees; to provide for the duties and powers of the Director of Revenue of the county in collecting and receiving such license fees; to provide that information gained by such Director of Revenue or his agents or employees shall be confidential and impose penalties for breach of such confidentiality; to provide for interest and penalties to be paid if such license fees remain unpaid; to provide for extension of time for making a return; to provide that such license fees constitute a debt and that the said Director of Revenue may file suit in order to collect the license fees; to provide that the said Director of Revenue may seek injunctive relief and an accounting; to provide that the license fees shall constitute a lien and to provide that such lien shall be superior to all other liens except the liens of ad valorem taxes, license taxes, and municipal assessments; to provide that any taxpayer dissatisfied with the assessment made against him with respect to any such license fee may appeal to the Circuit Court of the county, and to prescribe the procedure of such appeal; to provide for the payment out of the proceeds of such license fees of the costs of administration, collection, and enforcement relating to such license fees, and that the remainder of such proceeds shall be paid to the municipalities located in whole or in part in the Transit District and the general treasury of the county on the basis of the ratios of the population of each municipality located in the Transit District and in the unincorporated areas of the Transit District to the total population of the Transit District in the county (based on census figures); to provide that each such municipality in which regularly scheduled transit service is provided or made available

and the county shall pay over from such license fee proceeds or other funds to the Transit Authority, or any successor thereto an amount equal to the payor's share of the budget of the Transit Authority; to provide that should a court of competent jurisdiction declare or determine that the county or a municipality of municipalities required hereunder to pay moneys to the Transit Authority is for any reason not legally so required, the said Director of Revenue shall thereafter pay directly to the Transit Authority the share of the said fee which such municipality or municipalities or the county, as the case may be, would otherwise have received; to repeal Sections 3 through 10 and Section 12 of the Act No. 232 of the 1977 Regular Session of the Legislature of Alabama; to provide an effective date for this act; and to provide that the provisions of this act shall be severable.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 861, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Harrison and Tucker (With Notice and Proof):

H. 862. To create a transit district consisting of certain municipalities, their police jurisdictions and certain other unincorporated areas in Jefferson County, Alabama, ("The County") and to fund the provision of public transit service within said transit district by the Birmingham-Jefferson Transit Authority ("The Transit Authority") a public corporation organized under Act No. 933 of the 1971 Regular Session of the Legislature of Alabama, to establish a Transit Advisory Committee to monitor the Transit Authority's operations and to supervise periodic reviews of the operations, management, equipment and rates of the Transit Authority, to provide funding for the Transit Authority by levying in the County a privilege or license tax, generally parallel to the State sales tax, upon persons engaged in that Transit District in any business subject to the State sales tax, and to levy an excise tax, generally paralleling the State use tax, on the storage, use or other consumption in the Transit District of tangible personal property purchased at retail; to provide that the said privilege or license tax is required to be passed on to the consumer or purchaser at retail, to the extent provided for in this act; to provide for the making of reports or returns and the keeping of records with respect to the taxes herein levied; to provide that the exemptions applicable to the State sales tax statutes and the State use tax statutes, as said statutes may from time to time be amended, shall be applicable respectively to the said privilege or license tax and the said excise tax; to confer power to administer the act upon the Director of Revenue or other officer or employee of the County charged with the duty of collecting county business license taxes or other license taxes now or hereafter required by law to be paid; to provide for the collection of the taxes levied by this act; to authorize the said Director of Revenue, or other county officer or employee collecting said business license taxes or other license taxes as aforesaid, to enforce such collection by civil suit, injunction, and accounting, or any of them; to provide that the taxes levied by this act shall constitute a lien and to provide that such lien shall be superior to all other liens except the liens of ad valorem taxes, other license taxes, and municipal assessments; to provide for the enforcement of the lien of the taxes levied by this act; to provide that any taxpayer dissatisfied with the assessment made against him with respect to any such tax may appeal from the assessment to the Circuit Court of Jefferson County, and to prescribe the procedure of such appeal; to provide that

from the proceeds collected each month from the taxes herein levied there shall first be paid into the general treasury of the County a specified percentage to compensate the County for the administration, collection, and enforcement expenses relating to such taxes, and the remainder of such proceeds shall be paid to the municipalities located in whole or in part in the County and in the Transit District, and to the general treasury of the County, on the basis of the ratios of the population of each municipality in the Transit District and of the unincorporated areas of the Transit District to the total population in the Transit District (based on census figures); to provide that each such municipality in which regularly scheduled transit service is provided or is made available and the County shall pay over from such tax proceeds, or other funds, to the Transit Authority, or any successor thereto, an amount equal to the payor's population share of the budget of the Transit Authority; to provide that should a court of competent jurisdiction declare or determine that the County or a municipality or municipalities required hereunder to pay moneys to the Transit Authority is for any reason not legally so required, the Director of Revenue of the County shall thereafter pay directly to the Transit Authority the share which said municipality or municipalities or the County, as the case may be, would otherwise have received; to repeal Sections 3 through 10 and Section 12 of Act No. 232 of the 1977 Regular Session of the Legislature of Alabama; to provide an effective date for this act; and to provide that the provisions of this Act shall be severable.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 862, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Whatley:

H. 863. To amend Section 7 of Act No. 80-586 (Acts of 1980, p. 913; now appearing in the 1980 Cumulative Supplement to the 1975 Code of Alabama as Section 2-3A-7), enacted at the 1980 Regular Session of the Legislature of Alabama providing for the incorporation of the Alabama Agricultural Development Authority to authorize the Authority to invest its funds in additional kinds of investments.

Agriculture and Forestry.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Seibels, Payne, Biddle, Olive, Gafford, Amari, Cabaniss, Lewis, Horn, Trammell, Moore, Waggoner, Boles, Howard, Cheatwood, Harrison, Escott, Bennett and Jackson:

H. J. R. 206. COMMENDING DR. KEITH D. BLAYNEY OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

WHEREAS, the Alabama Legislature is pleased to have learned that Dr. Keith D. Blayney, Dean of the School of Community and Allied Health, The University of Alabama in Birmingham, has received an award from the American Medical Association for his "Outstanding Service" as Chairman of the Committee on Allied Health Education and Accreditation; and

WHEREAS, Dr. Blayney, who served two consecutive terms as Chairman of this important committee which accredits allied health education programs nationally, is the only non-physician to hold this post; and

WHEREAS, he was also recognized for being the architect of the School of Community and Allied Health's Junior College/Regional Technical Institute Linkage, an educational consortium between UAB and Alabama's Junior Colleges which for a decade has trained allied health workers for the state while avoiding duplication of programs and which has been hailed as a national model; and

WHEREAS, for these reasons, he was cited by the American Medical Association with this award "Signifying His Important Contributions to Health Care in our Nation through Quality Assurance in Education" and was termed "Mr. Allied Health" at the presentation of the award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and express our appreciation to Dr. Keith D. Blayney for outstanding performance and leadership in the field of allied health education and direct that he receive a copy of this resolution as a token of our esteem.

On motion of Rep. Seibels, the rules were suspended and the resolution, H. J. R. 206, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Rep. Smith (J):

H. R. 207. COMMENDING MR. GUY B. NERREN FOR OUTSTANDING COMMUNITY SERVICE TO THE CITY OF HUNTSVILLE AND MADISON COUNTY.

Also:

By Rep. Smith (J):

H. R. 208. COMMENDING MR. WILLIAM R. COLLINS, PROMINENT HUNTSVILLE BUSINESS AND CIVIC LEADER.

Also:

The following resolution was introduced:

By Reps. Daniels, Carothers, Grimsley and Williams:

H. J. R. 209. COMMENDING THE MEMBERS OF W.I.F.E., WOMEN INVOLVED IN FARM ECONOMICS.

WHEREAS, in common bond, women from all counties in Alabama have united to form an organization called Women Involved in Farm Economics; and

WHEREAS, this statewide association, known as W.I.F.E., is becoming increasingly active on behalf of the farmers in Alabama and in helping to promote Alabama's number one business which employs, involves and affects more people than any other industry in our state; and

WHEREAS, evidencing the magnitude of Alabama's agricultural industry are statistics which show gross receipts in 1980 totalling an estimated \$2 billion; and

WHEREAS, representatives of W.I.F.E. have made numerous trips to Washington, D. C., testifying before Senate Committees on behalf of the farmers in Alabama; they also have appeared on forums, participated in seminars and disseminated information on farm programs, thereby promoting agriculture and stressing the vital impact of agricultural economics in Alabama, our nation and the world; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the W.I.F.E. organization; we sincerely praise, both individually and collectively, these dedicated women involved in farm economics and express our admiration of their accomplishments.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the officers of W.I.F.E., that the members of this fine organization may be aware of our sincere warm regard.

On motion of Rep. Daniels, the rules were suspended and the resolution, H. J. R. 209, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 100. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Polygraph Examiners as provided in Sections 34-25-1 through 34-25-36 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-25-4, 34-25-5, 34-25-20, 34-25-21, 34-25-24, and 34-25-29, Code of Alabama 1975; and to repeal Section 34-25-31 of the Code of Alabama 1975, so as to: Eliminate the requirement that appointees to the board be approved by the senate; remove the board's authority to set travel and expense allowances; authorize the board to set salaries of its employees and hire temporary investigatory employees; provide further for the collection and use of fees of the board; provide for \$50.00 per day plus mileage allowance for board members when meeting; provide same mileage and per diem travel expenses for board members as are paid to state employees; authorize board to determine which expenses of the board are necessary, subject to state bid law; provide board's purchases may be made through state finance department purchasing agency; exempt board from payment of state sales tax; lower age requirement for examiners from 25 to 21; alter the baccalaureate requirement of examiners; to place board on same fiscal year as the state; and to repeal Section 34-25-3, Code of Alabama 1975, which prescribes the type of instrument examiners must use.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Pegues, the House concurred in and adopted the Senate amendment to the bill, H. 100, said Senate amendment being as follows:

Amend House Bill No. 100, as amended Page 3 Lines 22 and 23 by inserting after the word "governor" the words

"with the advice and consent of the Senate"

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Brakefield, Carter, Clark (G), Cobb, Cosby, Daniels, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Johnson (R. G.), Kelley, McMillan, Manley, Naramore, Olive, Owens, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Turnham and Ward.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 100 as thus amended, was again read at length and passed.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Brakefield, Carter, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Daniels, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Howard, Jackson, Johnson (R. G.), Kelley, Laird, Lewis, McMillan, Manley, Moore, Naramore, Olive, Owens, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sandusky, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Trammell, Turner, Turnham, Ward, and Whatley.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House Bill and returns same herewith to the House:

H. 104. Relating to the continued existence and functioning of the Board of Cosmetology provided for in Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, and as otherwise provided by law.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Rep. Howard offered the motion that the House concur in and adopt the Senate amendment to the bill, H. 104, said Senate amendment being as follows:

AMEND H. 104

On page 1, line 16, delete the period and insert:

and provides further for said board

On page 1, line 25, delete the period and insert:

and amending Section 34-7-11, Code of Alabama 1975, so as to provide further for the fees of said board.

On page 1, after line 37, add the following new Section 2 and renumber subsequent sections accordingly:

Section 2. Section 34-7-11, Code of Alabama 1975, is hereby amended to read as follows:

"§ 34-7-11.

"The various fees to be paid by the applicants for original registrations, licenses, annual biennial renewals, temporary permits, licenses issued upon reciprocity, and examinations, as required under this chapter shall be as follows:

"(1) Original registrations, licenses and annual biennial renewals thereof:

Beauty Shop, original registration	\$35.00	\$ 70.00
Beauty Shop, annual biennial renewal	\$10.00	\$ 30.00
School of Cosmetology, original registration		\$300.00
School of Cosmetology, annual biennial renewals	\$50.00	\$100.00
Cosmetologist, or Master Cosmetologist, original license	\$10.00	\$ 25.00
Cosmetologist, or Master Cosmetologist, annual biennial	\$ 5.00	\$ 15.00
Managing Cosmetologist, original license	\$10.00	\$ 25.00
Managing Cosmetologist, annual biennial renewal	\$ 5.00	\$ 15.00
Manicurist, original license	\$10.00	\$ 20.00
Manicurist, annual biennial renewal	\$ 5.00	\$ 15.00
Shampoo assistant, original license		\$ 15.00
Shampoo assistant, biennial renewal		\$ 15.00
Instructor, original license	\$15.00	\$ 30.00
Instructor, annual biennial renewal	\$ 5.00	\$ 20.00
Instructor of theory in related fields		\$ 10.00
Demonstrators, original license	\$10.00	\$ 30.00
Demonstrators, annual biennial renewal	\$10.00	\$ 15.00
Cosmetic Studio, original registration	\$35.00	\$ 70.00
Cosmetic Studio, annual biennial renewal	\$10.00	\$ 25.00
Reciprocity license fee (examination fee not included)	\$25.00	\$ 50.00
Esthetician, original registration		\$ 25.00
Esthetician, biennial renewal		\$ 15.00
Apprentice registration fee	\$ 2.00	\$ 5.00
Registration of Student in Beauty School	\$ 2.00	\$ 5.00
Registration fee for Student Instructor	\$ 5.00	\$ 10.00
Reissue of lost license Duplicate of license, renewal, or permit		\$ 5.00

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Penalty fee for late renewal of license	\$	5.00
\$3.00 plus license and renewal fee		
Fee for information concerning license		
standing—out of state	\$ 1.00	\$ 5.00
“(2) Examination		
As a Cosmetologist, or Master Cosmetologist	\$10.00	\$ 20.00
As a Managing Cosmetologist	\$10.00	\$ 20.00
As an Instructor	\$10.00	\$ 40.00
As a Manicurist	\$10.00	\$ 20.00
Re-examination fee for Cosmetologist or		
Managing Cosmetologist or Manicurist	\$	20.00
Re-examination fee, Instructor	\$	40.00
As an Esthetician	\$	40.00
Re-examination fee, Esthetician	\$	40.00
Student Apprentice Trainee, original fee	\$	5.00
School for Estheticians, original registration	\$300.00	
School for Estheticians, biennial renewal	\$100.00	
Esthetician Salon, Original registration	\$	70.00
Esthetician Salon, biennial renewal	\$	40.00
Managing Esthetician, original license	\$	25.00
Managing Esthetician, biennial renewal	\$	15.00
Registration of student in school for		
estheticians	\$	5.00

SUBSTITUTE MOTION OFFERED

Rep. Payne offered the substitute motion that the House non-concur in the Senate amendment to the bill, H. 104.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Rep. Gafford to the substitute motion offered by Rep. Payne that the House non-concur in the Senate amendment to the bill, H. 104, and request a Committee on Conference, was adopted.

Yeas 52; Nays 23.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Boles, Bowling, Cabaniss, Carothers, Carter, Cooley, Cosby, Crow, Dixon, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Harper (T), Harrison, Harvey, Horn, Howard, Kelley, Laird, Lewis, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Parker, Patton, Payne, Pegues, Penry, Rains, Reed, Riddick, Roberts, Sasser, Smith (J), Smith (M), Starkey, Stewart, Trammell, Turner, Venable, Williams, Willis and Wyatt.

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Nays:

Reps.: Albright, Barton, Bennett, Blake, Brakefield, Buskey, Cheatwood, Clark (W), Dial, Hall, Hammett, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, McKee, Olive, Owens, Ray, Seibels, Shoemaker, Turnham and Zoghyb.

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COMMITTEE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House Reps. Smith (M), Whatley and Hammett.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 765. Relating to the City of Dothan Pension and Retirement System; further amending Sections 5 and 10 of Act No. 103, H. 363 of the 1953 Regular Session (Acts 1953, Vol. I, p. 145), as amended, so as to provide further for creditable service and the perpetuity of the system and relief of members already retired and future retirees.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bedsole, Bennett, Blake, Brakefield, Carothers, Carter, Cates, Cheatwood, Cobb, Crow, Drinkard, Edwards, Ford, Goodwin, Hall, Harper (O), Harper (T), Harvey, Kelley, Kennedy, Lewis, Manley, Mitchell, Naramore, Olive, Owens, Rains, Reed, Roberts, Seibels, Shoemaker, Smith (J), Starkey, Trammell, Venable, Warren, Williams, Willis and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 778. Relating to Clarke County; to provide for an expense allowance for the sheriff of the county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Carothers, Carter, Cates, Cheatwood, Cobb, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Lewis, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Rains, Reed, Roberts, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Turner, Venable, Waggoner, Warren, Williams, Willis and Wyatt.

—61

And the bill:

H. 782. To provide for a certain road construction and improvement program in Washington County by imposing a certain additional fee on the cost of motor vehicle licenses issued in said county; to prescribe a certain schedule for such program with priorities to be determined by the county commission; to give said commission board discretion as to plans for financing such program; to provide that such additional fee shall cease to be collected upon completion of such program and to provide that this Act shall become effective upon referendum approval by the electors of the county of such program.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Crow, Drinkard, Edwards, Ford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Johnson (Roy), Kelley, Kennedy, Manley, Mitchell, Naramore, Olive, Parker, Patton, Rains, Reed, Roberts, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Waggoner, Warren, Williams, Willis and Wyatt.

—54

And the bill:

H. 783. To propose an amendment to the Constitution of Alabama of 1901 relating to road bonds for Washington County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Reed, Riddick, Roberts, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—74

And the bill:

H. 804. To amend Act 81-139, relating to finance charges or taxes assessed against lands which are used for timber growing purposes and are located within Cleburne County, so as to rescind the provision for land sale under conditions that apply to satisfaction of ad valorem tax liens, and so as

to provide that the Cleburne County Tax Collector will be responsible for making administrative rules and regulations, collecting funds, paying such funds to the Cleburne County Treasurer, and amending the effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Cobb, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Johnson (R. G.), Kelley, Lewis, Minus, Mitchell, Naramore, Olive, Owens, Parker, Patton, Rains, Reed, Seibels, Shoemaker, Smith (J), Starkey, Stewart, Trammell, Tucker, Waggoner, Warren, Williams, Willis, Wyatt and Zoghby.

—57

And the bill:

H. 302 (With Substitute) (With Amendments): Relating to Jefferson County; levying a fee on all hazardous waste, shipped or transported into, maintained or stored in, or created or disposed of in Jefferson County; to provide for the establishment of an inspection and monitoring authority for hazardous waste loading, unloading, storage and disposal facilities in Jefferson County; to provide for the collection of said fee; to provide for the disbursement of said fee; and to provide penalties for violations.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 2, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Jefferson County; to levy a fee on all hazardous waste, shipped or transported into Jefferson County; to provide for the establishment of an inspection and monitoring authority for hazardous waste loading, unloading, storage and disposal facilities in Jefferson County; to provide for the collection of said fee; to provide for the disbursement of said fee; and to provide penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be limited to and shall only apply to Jefferson County.

Section 2. Any person, firm, partnership, corporation or entity shipping or transporting hazardous waste, as such term is defined in Section 3001 of the Resource, Conservation and Recovery Act (Public Law 94-580), into Jefferson County for the purpose of storage, dumping, or other means of disposal, shall pay a fee of \$5.00 per container of hazardous waste, each

container not to exceed 55 gallons capacity. Nothing in this Act shall be interpreted to apply to distributors of raw materials unless they engage in waste disposal operations.

Section 3. The Jefferson County Board of Health shall be responsible for the establishment of an inspection and monitoring authority for the purpose of maintaining control of all hazardous waste transported or shipped into Jefferson County for storage, dumping, or disposal to protect the citizens of Jefferson County from exposure and/or harm from hazardous wastes of all types, kind and character. The Jefferson County Board of Health shall have authority to establish rules and regulations for the administration and enforcement of the provisions of this Act.

Section 4. All fees payable under the provisions of this Act shall be paid to and collected by the Jefferson County Board of Health which shall maintain a separate account for all fees collected and shall disburse same in accordance with the provisions contained hereinafter.

Section 5. The revenue generated by the provisions of this Act shall be disbursed as follows:

(1) Fifty percent (50%) of all funds collected shall be paid to the Jefferson County Board of Health for developing, administering and enforcing the provisions of this Act.

(2) Five percent (5%) of all funds collected shall be paid to the Alabama State Board of Health.

(3) Forty-five percent (45%) of all funds collected shall be paid to the appropriate authority for the maintenance and development of any state parks or park partially or totally located in Jefferson County.

Section 6. Any person, firm, partnership, corporation or entity who shall violate the provisions of this Act, or any rule or regulation adopted by the Jefferson County Board of Health for the administration or enforcement of same, shall be guilty of a Class C misdemeanor and upon conviction thereof be punished as provided by law. Each day such violation continued shall constitute a separate offense.

Section 7. The Jefferson County Board of Health may also seek injunctive relief to ensure compliance with the provisions of this Act and the rules and regulations adopted by said Board of Health.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 55; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Cobb, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer,

Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Lewis, McKee, Mitchell, Moore, Naramore, Owens, Parker, Patton, Pegues, Rains, Reed, Seibels, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Venable, Waggoner, Warren, Williams, Willis and Wyatt.

—55

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend the substitute for H. B. 302, page 2, sections 4 and 5, by striking these sections in their entirety and by substituting the following:

Section 4: "All fees payable under the the provisions of this act shall be paid to and collected by The Jefferson County governing body."

and then by renumbering all remaining sections in sequential order.

Also, amend by striking the words "Jefferson County Board of Health" where they may appear in the bill, and insert the words "Jefferson County governing body."

And the amendment was adopted.

Yeas 47; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Cabaniss, Campbell, Cheatwood, Cobb, Crow, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Lewis, McKee, Mitchell, Moore, Naramore, Owens, Parker, Patton, Rains, Reed, Seibels, Smith (C), Starkey, Trammell, Tucker, Turner, Waggoner, Williams, Willis and Wyatt.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend the substitute to H. B. 302, page 1, section 2, line 31, by striking the word \$5.00 and substituting in lieu thereof the following:

\$55.00"

And the amendment was adopted.

Yeas 56; Nays 0.

Yeas:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Blake, Boles, Brakefield, Cabaniss, Cheatwood, Clark (G), Cobb, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Grimsley,

Grouby, Hall, Harper (O), Harper (T), Harvey, Johnson (R. G.), Laird, Lewis, McKee, Manley, Mitchell, Moore, Naramore, Owens, Patton, Pegues, Penry, Rains, Reed, Seibels, Shoemaker, Smith (C), Starkey, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Williams, Willis and Wyatt.

—56

AMENDMENT OFFERED

Rep. Bennett offered the following amendment to the bill, H. 302 as amended:

Amend Substitute for House Bill 302 by adding on page 1, line 32 after the word "capacity" the following:

or \$125 per ton bulk weight.

And the amendment was adopted.

Yeas 40; Nays 1.

Yeas:

Reps.: Albright, Amari, Barton, Bedsole, Bennett, Boles, Brakefield, Campbell, Cheatwood, Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Gilmer, Greer, Grimsley, Grouby, Hall, Harper (T), Harvey, Lewis, Naramore, Owens, Parker, Reed, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Trammell, Turner, Turnham, Waggoner, Warren, Williams, Willis, and Wyatt.

—40

Nay: Rep. Cabaniss.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 302. Relating to Jefferson County; to levy a fee on all hazardous waste, shipped or transported into Jefferson County; to provide for the establishment of an inspection and monitoring authority for hazardous waste loading, unloading, storage and disposal facilities in Jefferson County; to provide for the collection of said fee; to provide for the disbursement of said fee; and to provide penalties for violations.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 36; Nays 1.

Yeas:

Reps.: Amari, Bedsole, Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Carter, Cheatwood, Clark (W), Greer, Grouby, Harper (T), Holley, Horn, Howard, Jackson, Lewis, Moore, Naramore, Payne, Rains, Reed, Roberts, Seibels, Smith (C), Smith (J), Starkey, Stewart, Trammell, Tucker, Turnham, Waggoner, Willis and Wyatt.

—36

Nay: Rep. Harrison.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 684. Relating to Jefferson County; fixing the salary of the deputy probate judge.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 1.

Yeas:

Reps.: Adams (C), Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Greer, Grouby, Harper (O), Howard, Lewis, Moore, Naramore, Olive, Seibels, Smith (J), Starkey, Stewart, Trammell, Turnham, Waggoner, Warren and Wyatt.

—38

Nay: Rep. Harrison.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 647 RECOMMITTED

On motion of Rep. Daniels, the Speaker recommitted the bill, H. 647, to the Standing Committee on Commerce, Transportation and Utilities.

And the bill:

H. 767. To provide certain service credit for supernumerary status for the tax assessor and tax collector of Lauderdale County; to provide for certain prerequisites for such credit and to provide that said county shall pay such employer costs as are necessary with respect to such employees subject to this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Barton, Bedsole, Biddle, Boles, Bowling, Brakefield, Carter, Cates, Clark (G), Clark (W), Cobb, Cosby, Crow, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Harper (O), Harper (T), Howard, Johnson (Roy), Kelley, Manley, Moore, Naramore, Olive, Patton, Seibels, Shavers, Smith (C), Stewart, Trammell, Turnham, Venable, Willis and Wyatt.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Laird:

H. R. 210. COMMENDING MR. JAMES MURRAY CARTER UPON HIS RETIREMENT AS EMPLOYMENT SERVICE DIRECTOR, DEPARTMENT OF INDUSTRIAL RELATIONS.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 196. RELATIVE TO MEETING DAYS OF THE LEGISLATURE.

Also:

H. J. R. 205. NAMING THE SUMITON ELEMENTARY SCHOOL IN SUMITON, WALKER COUNTY, ALABAMA, THE "ALVIS E. NARMORE SCHOOL."

Also:

H. J. R. 206. COMMENDING DR. KEITH D. BLAYNEY OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

Also:

H. J. R. 209. COMMENDING THE MEMBERS OF W.I.F.E., WOMEN INVOLVED IN FARM ECONOMICS.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 100. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Polygraph Examiners as provided in Sections 34-25-1 through 34-25-36 of the Code of Alabama 1975, as amended, with certain modifications; to amend Sections 34-25-4, 34-25-5, 34-25-20, 34-25-21, 34-25-24, and 34-25-29, Code of Alabama 1975; and to repeal Section 34-25-31 of the Code of Alabama 1975, so as to: Eliminate the requirement that appointees to the board be approved by the senate; remove

the board's authority to set travel and expense allowances; authorize the board to set salaries of its employees and hire temporary investigatory employees; provide further for the collection and use of fees of the board; provide for \$50.00 per day plus mileage allowance for board members when meeting; provide same mileage and per diem travel expenses for board members as are paid to state employees; authorize board to determine which expenses of the board are necessary, subject to state bid law; provide board's purchases may be made through state finance department purchasing agency; exempt board from payment of state sales tax; lower age requirement for examiners from 25 to 21; alter the baccalaureate requirement of examiners; to place board on same fiscal year as the state; and to repeal Section 34-25-3, Code of Alabama 1975, which prescribes the type of instrument examiners must use.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 331. (With Substitute): To require that any facility for the care of any person under 19 years of age which has been established by a church, denomination, or association of churches to guide such persons in public worship, provide religious instruction, and promote character development, shall give notice of intent to operate to the appropriate fire and health departments so that said facilities may be inspected in accordance with state and local fire and environmental health regulations for such facilities and to further provide an exemption from the provisions of Title 38, Chapter 7, Section 2, Subsection 8, Code of Alabama 1975 under certain conditions.

Was taken up.

SUBSTITUTE OFFERED

Rep. Grouby offered the following substitute to the substitute reported by the Standing Committee on State Administration:

A BILL TO BE ENTITLED AN ACT

To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain preschool programs operated by churches and religious nonprofit elementary schools from the requirement of being licensed, and provide further for the operation of said child care facilities.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 38-7-3, Code of Alabama 1975, is hereby amended to read as follows:

"Sec. 38-7-3.

"No person, group of persons or corporation may operate or conduct any facility for child care, as defined in this chapter, without being licensed or approved as provided in this chapter; provided, however, that nothing in this section or in this chapter prohibits an employee of the department from carrying out the duties of the department as provided in this title. Provided, further, the provisions of this chapter shall not apply to preschool programs which are an integral part of a local church ministry or a religious nonprofit elementary school, and are so recognized in the church or school's documents, whether operated separately or as a part of a religious nonprofit elementary school unit, secondary school unit or institution of higher learning under the governing board or authority of said local church or its convention, association, or regional body to which it may be subject; provided that notice is filed by the governing board or authority of the church or school with the department that said church or school meets the definition of a local church ministry or a religious nonprofit elementary school under terms of this Act and are exempt from regulation by the department and a notice of intent to operate said programs is given to the appropriate fire and health departments so that said facilities may be inspected in accordance with the state and local fire and health requirements for such programs. In addition, all exempt churches hereunder shall publish annually, on church letterhead, a notice to the department certifying that the following records are being maintained by the church; fire and health inspection reports, immunization verifications for all children; medical history forms for all staff and children and that the following information shall be available to parents or guardian prior to enrolling their children in said church ministry; staff qualifications; pupil-staff ratio; discipline policies; type of curriculum used in the learning program; the religious teachings to be given each child; and the type of lunch program available; provided further that prior to enrolling and annually thereafter parents or guardian and a responsible individual representing the governing board as authority of the church or school be required to sign and file with the department the affidavits provided by this Act that the parents or guardian have been notified by said responsible individual that the church or school has filed notice and is exempt from regulation by the department. The district attorney of the county in which the preschool program is located shall, upon proper presentment of charges, investigate at his discretion any allegations against any such church under the laws of the State of Alabama."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO POSTPONE TABLED

On motion of Rep. Grouby, the motion offered by Rep. Johnson (Roy) to postpone consideration of the bill, H. 331 with pending substitute, to the seventeenth legislative day, was tabled.

Yeas 64; Nays 23.

Yeas:

Mr. Speaker, Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Carter, Cheatwood, Clark (G), Cooley, Cosby, Crow, Daniels, Dixon, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holley, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Naramore, Owens, Parker, Patton, Payne, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—64

Nays:

Reps.: Adams (H), Bedsole, Buskey, Cabaniss, Clark (W), Dial, Drinkard, Escott, Harrison, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Moore, Olive, Seibels, Smith (M), Trammell, Tucker, Turnham and Zoghby.

—23

The question was then on the substitute offered by Rep. Grouby to the bill, H. 331 with pending substitute reported by the Standing Committee on State Administration.

MOTION TO TEMPORARILY POSTPONE TABLED

On motion of Rep. Grouby, the motion offered by Rep. Turnham to temporarily postpone consideration of the bill, H. 331 with pending substitute, was tabled.

Yeas 72; Nays 14.

Yeas:

Mr. Speaker, Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Howard, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Minus, Moore, Naramore, Olive, Parker, Payne, Pegues, Penry, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams and Willis.

—72

Nays:

Reps.: Escott, Harrison, Holmes, Horn, Jackson, Johnson (Roy), Kennedy, Langford, Manley, Seibels, Smith (M), Turnham, Wyatt and Zoghby.

—14

SUBSTITUTE ADOPTED

The question was again on the substitute offered by Rep. Grouby to the bill, H. 331 with substitute reported by the Standing Committee on State Administration, and the substitute offered by Rep. Grouby was adopted.

REGULAR SESSION
16th Day

901

Yeas 78; Nays 13.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Payne, Pegues, Penry, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—78

Nays:

Reps.: Bedsole, Harrison, Horn, Jackson, Johnson (Roy), Kennedy, Langford, Reed, Seibels, Smith (M), Tucker, Turnham and Zoghby.

—13

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 331 as amended:

In the title, page 1, line 36 and in section 1, page 3, line 22 change the word "may" to: shall

AMENDMENT TABLED

On motion of Rep. Grouby, the amendment offered by Rep. Johnson (Roy) to the bill, H. 331 as amended, was tabled.

Yeas 52; Nays 33.

Yeas:

Mr. Speaker, Adams (H), Albright, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Cobb, Cosby, Crow, Drinkard, Edwards, Ford, Goodwin, Greer, Grouby, Hall, Harper (O), Harper (T), Harvey, Johnson (R. G.), Laird, McKee, McMillan, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Ray, Sasser, Shoemaker, Smith (C), Starkey, Stewart, Trammell, Turner, Venable, Waggoner, Ward, Warren, Williams and Willis.

—52

Nays:

Reps.: Adams (C), Amari, Barton, Bedsole, Bennett, Clark (G), Coburn, Cooley, Dial, Escott, Gilmer, Hammett, Harrison, Holley, Holmes, Horn, Jackson, Johnson (Roy), Kelley, Kennedy, Langford, Lewis, Manley, Mitchell, Penry, Riddick, Sandusky, Seibels, Shavers, Smith (M), Tucker, Turnham and Zoghby.

—33

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 104. Relating to the continued existence and functioning of the Board of Cosmetology provided for in Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975, and as otherwise provided by law.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Holmes, Parsons, and Mitchem.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 102. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-20, 34-29-23 of the Code of Alabama 1975, so as to: limit board members to two terms; and to provide further for the compensation of board members.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Miller, Kirkland, and White.

McDOWELL LEE,
Secretary.

H. 331 RESUMED

Having voted on the prevailing side, Rep. Albright offered the motion to reconsider the vote by which the amendment offered by Rep. Johnson (Roy) to the bill, H. 331 as amended, was lost, and the motion to reconsider was adopted.

Yeas 64; Nays 5.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Cates, Cheatwood, Clark (G), Coburn, Cooley, Dial, Drinkard, Escott, Ford, Gilmer, Grouby, Hammett, Harper (T), Harvey, Holley, Holmes, Horn, Jackson, Johnson (R. G.), Johnson (Roy), Laird, Langford, Lewis, McKee, McMillan, Minus, Moore, Nevett, Olive, Owens, Penry, Ray, Riddick, Roberts, Sandusky, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Wyatt and Zoghby.

—64

Nays: Reps.: Carter, Harper (O), Naramore, Parker and Sasser.

—5

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 663. Relating to Perry County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

H. 140. Relating to Sumter County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Also:

H. 730. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority and providing penalties for violations.

Also:

H. 669. Relating to Colbert County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

Also:

H. 670. To repeal Act No. 2454, H. 2806, 1971 Regular Session (Acts 1971, p. 3921), entitled, "An Act Relating to counties having populations of not less than 49,000 nor more than 51,000, according to the most recent federal decennial census; fixing the fee for issuance of pistol permits by the sheriff and providing for distribution and use of such fees.

McDOWELL LEE,
Secretary.

H. 331 RESUMED

SUBSTITUTE AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following substitute amendment to the bill, H. 331 as amended:

On page 2, line 26, Section 1 change the word "may" to: shall

SUBSTITUTE AMENDMENT ADOPTED

And the substitute amendment was adopted.

Yeas 59; Nays 8.

Yeas:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Blake, Brakefield, Cabaniss, Campbell, Carothers, Cheatwood, Clark (G), Coburn, Cooley, Crow, Daniels, Dixon, Drinkard, Ford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Johnson (Roy), Kelley, Laird, Lewis, McMillan, Moore, Olive, Owens, Parker, Payne, Penry, Riddick, Roberts, Sandusky, Sasser, Shavers, Smith (C), Smith (M), Stewart, Stout, Trammell, Turner, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

—59

Nays:

Reps.: Boles, Bowling, Carter, Cosby, Johnson (R. G.), Minus, Naramore and Pegues.

—8

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 196. Relating to legislative meeting dates from Thursday, April 2 to Tuesday, April 14, 1981.

Also:

H. J. R. 205. NAMING THE SUMITON ELEMENTARY SCHOOL IN SUMITON, WALKER COUNTY, ALABAMA, THE "ALVIS E. NARAMORE SCHOOL."

Also:

H. J. R. 206. COMMENDING DR. KEITH D. BLAYNEY OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM.

Also:

H. J. R. 209. COMMENDING THE MEMBERS OF W.I.F.E., WOMEN INVOLVED IN FARM ECONOMICS.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 140. Relating to Sumter County; providing for the reidentification of registered voters in such county; prescribing the procedure for the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Also:

H. 663. Relating to Perry County; providing for purging the lists of registered voters; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

H. 669. Relating to Colbert County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

Also:

H. 670. To repeal Act No. 2454, H. 2806, 1971 Regular Session (Acts 1971, p. 3921), entitled, "An Act Relating to counties having populations of not less than 49,000 nor more than 51,000, according to the most recent federal decennial census; fixing the fee for issuance of pistol permits by the sheriff and providing for distribution and use of such fees.

Also:

H. 730. Relating to Sumter County, levying a fee on all hazardous and non hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collection of said fee; providing for the disbursement of said fee; providing for the organizing of the North Sumter County Development Authority; and providing penalties for violations.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 502. To authorize certain minors to consent to the donation of bone marrow for purposes of bone marrow transplantation and authorize a parent or legal guardian of all other minors to consent to such bone marrow transplantation.

Also:

H. 35. To repeal section 12-18-62 of the Code of Alabama 1975 which disallows the practice of law by retired district judges.

McDOWELL LEE,
Secretary.

MOTION TO ADJOURN LOST

The motion offered by Rep. Reed that the House adjourn until 1:00 o'clock p.m., Tuesday, April 7, 1981, was lost.

Yeas 19; Nays 54.

Yeas:

Reps.: Brakefield, Campbell, Clark (G), Clark (W), Cobb, Coburn, Escott, Harrison, Harvey, Howard, Jackson, Johnson (Roy), Kennedy, Manley, Pegues, Roberts, Tucker, Turnham and Zoghby.

—19

Nays:

Mr. Speaker, Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Cabaniss, Carothers, Cheatwood, Cooley, Cosby, Crow, Daniels, Dial, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Hammett, Harper (O), Horn, Johnson (R. G.), Kelley, Laird, Letson, Lewis, McKee, McMillan, Minus, Mitchell, Naramore, Olive, Owens, Patton, Payne, Penry, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (C), Smith (J), Starkey, Turner, Warren, Williams, Willis and Wyatt.

—54

H. 331 RESUMED

Rep. Jackson offered the following amendment to the bill, H. 331 as amended:

Amend Substitute to H. B. 331, page 3, line 24 after the word "Alabama." by adding the following new definitional section and renumbering subsequent sections accordingly:

Section 2. What this bill will do for churches:

(1) It only exempts bona fide church controlled and directed preschool ministries from licensure;

(2) It requires that the exempted church notify the fire and health departments and be inspected just as a licensed facility is inspected;

(3) It requires the church to notify the Commissioner of Pensions & Security that fire and health inspection reports, immunization verifications of all children, and medical history forms are on file in the church office;

(4) It requires the church to tell parents, prior to enrollment, the following: staff qualifications, pupil-staff ratio, discipline policies, type of

curriculum used in the learning program, the religious teachings to be given each child, and the type of lunch program available. An affidavit must be signed by the parent indicating that they realize this is an exempt facility. The church sends the affidavit to Pensions and Security;

(5) It gives the local district attorney authority to investigate valid complaints at his discretion under the laws of the state of Alabama;

Section 2a. What this bill prevents:

(6) It will not permit a group of people opening up a program in a local church unless it is an integral ministry of that church, so reflected in the official documents of the church, and under the direction and authority of the ruling body within the church;

(7) It will not permit unsafe physical plants to be used for such programs;

(8) It will not permit unhealthy conditions to exist or facilitate transmission of communicable diseases;

(9) It will not permit "questionable" religious (or allegedly religious) groups to take innocent children and do horrible things to them. Parents must be informed prior to enrolling their child of the type of program, etc.;

(10) It will prevent possible prosecution for any person or group that violates the provisions of the amendment or the general criminal and civil laws of this state.

AMENDMENT TABLED

On motion of Rep. Grouby, the amendment offered by Rep. Jackson to the bill, H. 331 as amended, was tabled.

Yeas 69; Nays 8.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carter, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Parker, Patton, Payne, Pegues, Penry, Roberts, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Trammell, Turner, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—69

Nays:

Reps.: Barton, Buskey, Clark (W), Harrison, Jackson, Kennedy, Rains and Zoghby.

—8

And the bill:

H. 331. To amend Section 38-7-3, Code of Alabama 1975, relating to the licensing of child care facilities, so as to exempt certain preschool programs operated by churches and religious nonprofit elementary schools from the requirements of being licensed, and provide further for the operation of said child care facilities.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 14.

Yeas:

Mr. Speaker, Adams (C), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Coburn, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Johnson (R. G.), Kelley, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Riddick, Roberts, Sandusky, Sasser, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—79

Nays:

Reps.: Bedsole, Buskey, Clark (W), Escott, Harrison, Horn, Howard, Jackson, Johnson (Roy), Reed, Seibels, Smith (M), Tucker and Zoghyb.

—14

RESOLUTION

The following resolution was introduced:

By Reps. Cates, Pegues, Owens, Adams (H), Blake, Williams, Whatley, Hammett, Harper (T), Dial, Sasser, Carter, Adams (C), Grimsley, Gregg, McMillan, Bedsole, Clark (G), Turnham, Minus, Campbell, Wyatt, Stewart, Naramore, Shoemaker, Riddick, Harper (O), Ward, Crow, Penry, Venable, McKee, Goodwin, Payne, Sandusky, Laird, Edwards, Manley, Coburn, Gilmer, Moore, Trammell, Olive, Lewis, Cabaniss and Amari:

H. R. 211. DECLARING THE LEGISLATIVE INTENT TO BE CONSERVATIVE AND CAUTIOUS IN APPROPRIATING THE ONE-TIME LUMP SUM MONEY COMING INTO THE STATE TREASURY FROM THE LEASING OF STATE-OWNED WATER BOTTOMS IN THE GULF OF MEXICO FOR OIL AND GAS PURPOSES, AND AFFIRMING THE LEGISLATIVE INTENT TO APPROPRIATE THIS MONEY ONLY FOR REQUIRED, PERMANENT, ONE-TIME, CAPITAL OUTLAY.

WHEREAS, this Legislature has learned on good authority that the State of Alabama will probably be the recipient of an amount of money in excess of \$500 million as the result of the leasing of state-owned water bottoms in the Gulf of Mexico for oil drilling and exploration purposes; and

WHEREAS, the Legislature wishes to point out that this vast sum of money is not a re-occurring income but a one-time instance being paid by the oil and gas companies for the right to drill on state-owned water bottoms; and

WHEREAS, statistics show that only about one in ten wildcat wells strike oil or gas and it is therefore likely that this income will be a one-time instance unless the state and the oil companies are extremely fortunate; and

WHEREAS, the Legislature should not become involved in spending this money for day-to-day operations in state government, but should consider wise and carefully thought-out permanent capital outlay for the use of this money; now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do place all public institutions, agencies and citizens on notice that the Legislature will not be panicked or pressured into appropriating this one-time lump sum amount of money coming into the state treasury from the leasing of oil and gas rights on state-owned water bottoms for the day-to-day operations of state government, but fully intend to conduct a careful look into, and study of, the long-term needs of the state and that any appropriations of this money will be for permanent capital improvements.

BE IT FURTHER RESOLVED, That each project shall be considered on its own merit, and to that end, the Legislature states that Acts appropriating this money shall contain but one project.

BE IT FURTHER RESOLVED, That the Clerk of the House make a wide dissemination of this resolution to the news media.

MOTION TO SUSPEND RULES AND ADOPT

Rep. Cates offered the motion to suspend the rules and adopt the resolution, H. R. 211.

DIVISION OF THE QUESTION

Rep. Biddle called for the Division of the Question and the call was sustained.

MOTION TO SUSPEND RULES LOST

The question was then on the motion offered by Rep. Cates to suspend the rules in order to take up for immediate consideration the resolution, H. R. 211, and the motion was lost, lacking a four-fifths vote.

Yeas 51; Nays 26.

Yeas:

Reps.: Adams (C), Adams (H), Bedsole, Blake, Bowling, Cabaniss, Campbell, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Grimsley, Hammett, Harper (O), Harper (T), Howard, Laird, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Payne, Pegues, Penry, Riddick, Sandusky, Sasser, Shoemaker, Smith (C), Stewart, Stout, Venable, Waggoner, Ward, Whatley, Williams and Willis.

—51

Nays:

Reps.: Amari, Bennett, Boles, Brakefield, Cooley, Dixon, Escott, Greer, Harrison, Harvey, Holley, Holmes, Horn, Jackson, Johnson (Roy), Kelley, Langford, Mitchell, Patton, Rains, Reed, Seibels, Shavers, Starkey, Tucker and Wyatt.

—26

The resolution, H. R. 211, was read and referred to the Standing Committee on Rules.

PERMISSION GRANTED

Permission was granted for the Journal to show Rep. Kennedy would have voted "Nay" on the bill, H. 331, had she been in the Chamber at the time of voting.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 35. To repeal Section 12-18-62 of the Code of Alabama 1975 which disallows the practice of law by retired district judges.

Also:

H. 502. To authorize certain minors to consent to the donation of bone marrow for purposes of bone marrow transplantation and authorize a parent or legal guardian of all other minors to consent to such bone marrow transplantation.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Cates, Pegues, Owens, Adams (H), Adams (C), Laird, Campbell, Wyatt, Goodwin, Dial, Sasser, Carter, Minus, Williams, Edwards, Penry, Naramore, Clark (G), Turnham, Blake, Ward, Stewart, Grimsley, Whatley, Hammett, McMillan, Cabaniss, Shoemaker, Riddick, Sandusky, Harper (O), Crow, Gregg, Harper (T), Venable, McKee, Bedsole, Manley, Coburn, Payne, Gilmer, Moore, Trammell, Olive, Lewis, Amari and Gafford:

H. J. R. 212. DECLARING THE LEGISLATIVE INTENT TO BE CONSERVATIVE AND CAUTIOUS IN APPROPRIATING THE ONE-TIME LUMP SUM MONEY COMING INTO THE STATE TREASURY FROM THE LEASING OF STATE-OWNED WATER BOTTOMS IN THE GULF OF MEXICO FOR OIL AND GAS PURPOSES, AND AFFIRMING THE LEGISLATIVE INTENT TO APPROPRIATE THIS MONEY ONLY FOR REQUIRED, PERMANENT, ONE-TIME, CAPITAL OUTLAY.

Whereas, this Legislature has learned on good authority that the State of Alabama will probably be the recipient of an amount of money in excess of \$500 million as the result of the leasing of state-owned water bottoms in the Gulf of Mexico for oil drilling and exploration purposes; and

WHEREAS, the Legislature wishes to point out that this vast sum of money is not a re-occurring income but a one-time instance being paid by the oil and gas companies for the right to drill on state-owned water bottoms; and

WHEREAS, statistics show that only about one in ten wildcat wells strike oil or gas and it is therefore likely that this income will be a one-time instance unless the state and the oil companies are extremely fortunate; and

WHEREAS, the Legislature should not become involved in spending this money for day-to-day operations in state government, but should consider wise and carefully thought-out permanent capital outlay for the use of this money; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do place all public institutions, agencies and citizens on notice that the Legislature will not be panicked or pressured into appropriating this one-time lump sum amount of money coming into the state treasury from the leasing of oil and gas rights on state-owned water bottoms for the day-to-day operations of state government, but fully intend to conduct a careful look into, and study of, the long-term needs of the state and that any appropriations of this money will be for permanent capital improvements.

BE IT FURTHER RESOLVED, That each project shall be considered on its own merit, and to that end, the Legislature states that Acts appropriating this money shall contain but one project.

BE IT FURTHER RESOLVED, That the Clerk of the House make a wide dissemination of this resolution to the news media.

The resolution, H. J. R. 212, was read and referred to the Standing Committee on Rules.

Also:

By Reps. Daniels, Dial and Warren:

H. J. R. 213. REQUESTING THE ALABAMA DEPARTMENT OF PUBLIC HEALTH TO SUSPEND ENFORCEMENT AND DELAY THE IMPLEMENTATION OF THE DEPARTMENT'S NEW REGULATIONS CONCERNING ONSITE SEWAGE DISPOSAL SYSTEMS.

WHEREAS, it has come to the attention of the Legislature that the Alabama Department of Public Health recently promulgated new regulations governing onsite sewage disposal systems; and

WHEREAS, this new regulatory document which was adopted by the State Board of Health on February 18, 1981, consists of some 47 pages of detailed regulations and requirements primarily concerning septic tank installations; and

WHEREAS, not only will these new regulations add some \$300 cost to the installation of a septic tank, but it is questionable that many of the prescribements are at all necessary to ensure the health and well-being of Alabamians; and

WHEREAS, the members of this body in responsibility to the citizens of Alabama consider it advisable to have time to fully study and assess this lengthy new document of regulations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby strongly urge the Alabama Department of Public Health to immediately suspend enforcement of the February 18, 1981 regulations governing on-site sewage disposal systems and delay implementation until June 1, 1982.

BE IT FURTHER RESOLVED, That the Department of Public Health be notified, by copy of this resolution, of this request of the Legislature that the Department may immediately cease enforcement of said regulations.

On motion of Rep. Daniels, the rules were suspended and the resolution, H. J. R. 213, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H. J. R. 213:

Reps. Albright, Bennett, Biddle, Boles, Bowling, Brakefield, Carter, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Edwards, Escott, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Howard, Johnson (R. G.), Johnson (Roy), Laird, Letson, McMillan, Minus, Moore, Naramore, Olive, Patton, Payne, Pegues, Penry, Rains, Reed, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Warren, Williams and Willis.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Teague, Bailey, Barron, Britnell, Callahan, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Harrison, Higginbotham, Hilliard, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Vacca, Weeks and White:

S. J. R. 120. WISHING A SPEEDY RECOVERY FOR SENATOR DOUG COOK.

WHEREAS, we regret to learn that Senator Doug Cook has been hospitalized in Birmingham, Alabama; and

WHEREAS, our good friend and colleague, Senator Cook is serving his third term in the Legislature and this body is ever mindful of his invaluable service to state government and to all citizens of Alabama; and

WHEREAS, though expressing concern in his confinement, we are confident that he soon will be returning to his duties with the legislature and his involvement in the affairs of state government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend all best wishes to our friend Doug Cook and sincerely hope he will be returning to Montgomery shortly.

BE IT FURTHER RESOLVED, That Senator Cook receive a copy of this resolution that he and his family may know of our sincere wishes for his speedy recovery.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Rep. Waggoner, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 120, set out in the above and foregoing Message from the Senate.

RESOLUTION

The following resolution was introduced:

By Reps, Harrison, Jackson, Clark (W), Horn, Tucker, Langford, Escott, Howard, Buskey, Holmes, Kennedy, Rains and Reed:

H. J. R. 214. TO REQUEST AND URGE GOVERNOR FOB JAMES TO DISCONTINUE ATTEMPTS TO FIRE OR SECURE THE RESIGNATION OF GARY COOPER AS COMMISSIONER OF THE STATE OR SECURE THE RESIGNATION OF GARY COOPER AS COMMISSIONER OF THE STATE DEPARTMENT OF PENSIONS AND SECURITY.

WHEREAS, Governor Fob James has made untenable and unwarranted attempts to fire Commissioner Gary Cooper as head of the State Department of Pensions and Security, and

WHEREAS, this action indicates that the Governor places little value on the outstanding work and undeniable accomplishments of a competent administrator, and

WHEREAS, among these accomplishments are a vigorous attack on public welfare fraud that has resulted in significant increases in prosecutions and convictions, and

WHEREAS, these accomplishments also include a drastic lowering of the payment error rate in the Aid to Dependent Children program from the highest in the Southeast to the lowest, a goal reached while keeping the administrative cost of the program the second lowest in this part of the country, and

WHEREAS, the Department of Pensions and Security, under Commissioner Cooper's direction, has been cited as having the greatest percentage increase in child support collections of any state in the nation, and

WHEREAS, under Commissioner Cooper's leadership, Alabama's public welfare agency, despite lack of enough staff to do all that needs to be done, placed more than 4,400 welfare recipients in jobs last year, found adoptive homes for more than 300 children, investigated more than 17,000 reports of child abuse and neglect, and carried out a highly effective and selfless response to the worst natural disaster ever to hit Alabama, Hurricane Frederic, and

WHEREAS, Commissioner Cooper, rightly mindful of the advisability of using precious tax dollars to their best advantage, has increased the use of volunteers in the Department of Pensions and Security to 2,000 citizens a month who contribute every month almost \$90,000 worth of free service to the people of our state; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that all members join together to urge the Governor of this State to discontinue attempts to fire or secure the resignation of Gary Cooper, decorated Marine veteran, successful businessman, highly respected former member of this Legislature and most worthy Cabinet member.

The resolution, H. J. R. 214, was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on

the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:30 A.M. on April 2, 1981.

H. 105

H. 106

Delivered to the Governor at 12:05 P.M. on April 2, 1981.

H. 100

Delivered to the Governor at 1:55 P.M. on April 2, 1981.

H. J. R. 196

H. J. R. 205

H. J. R. 206

H. J. R. 209

H. 140

H. 663

H. 669

H. 670

H. 730

H. 35

H. 502

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Drinkard and pursuant to the resolution, H. R. 203, the House adjourned until 1:00 o'clock p.m., Tuesday, April 7, 1981.

Yeas 47; Nays 23.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Blake, Boles, Brakefield, Buskey, Campbell, Cates, Clark (G), Clark (W), Cobb, Cooley, Cosby, Daniels, Dial, Dixon, Escott, Goodwin, Grimsley, Harper (O), Harper (T), Harvey, Horn, Johnson (Roy), Manley, Moore, Olive, Owens, Patton, Pegues, Penry, Ray, Reed, Roberts, Sasser, Shoemaker, Stewart, Stout, Trammell, Turner, Turnham, Waggoner, Williams and Willis.

—47

Nays:

Reps.: Adams (C), Amari, Cabaniss, Gafford, Gilmer, Greer, Hammett, Holmes, Johnson (R. G.), Letson, Lewis, McKee, Minus, Mitchell, Naramore, Payne, Rains, Seibels, Smith (C), Smith (J), Smith (M), Starkey and Wyatt.

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SEVENTEENTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, April 7, 1981

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. James E. Cook Pastor, Butler Chapel AME Zion Church and Dean of Lomax-Hannon Junior College, Greenville, Alabama

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixteenth legislative day and finds the same to be correct.

JACK BIDDLE, III,
Chairman.

On motion of Rep. Manley, the reading at length of the Journal of the House for the sixteenth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the sixteenth legislative day was approved.

LEAVE OF ABSENCE

At the request of Rep. Manley, leave of absence was granted for Rep. Hines, due to illness.

RESOLUTION

The following resolution was introduced:

By Rep. Manley:

H. R. 215. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That when we adjourn today, Tuesday, April 7, 1981, we adjourn to meet again on Wednesday, April 8, 1981, at 10:00 A.M.

On motion of Rep. Manley, the rules were suspended and the resolution, H. R. 215, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report.

H. R. 211. DECLARING THE LEGISLATIVE INTENT TO BE CONSERVATIVE AND CAUTIOUS IN APPROPRIATING THE ONE-TIME LUMP SUM MONEY COMING INTO THE STATE TREASURY FROM THE LEASING OF STATE-OWNED WATER BOTTOMS IN THE GULF OF MEXICO FOR OIL AND GAS PURPOSES, AND AFFIRMING THE LEGISLATIVE INTENT TO APPROPRIATE THIS MONEY ONLY FOR REQUIRED, PERMANENT, ONE-TIME, CAPITAL OUTLAY.

AMENDMENT OFFERED

Rep. Kelley offered the following amendment to the resolution, H. R. 211:

Amend H. R. 211 on page 2, line 15, by striking after the word "be" the following:

"for permanent capital improvements."

and inserting in lieu thereof, the following:

"to solve these long-term needs."

AMENDMENT TABLED

On motion of Rep. Cates, the amendment offered by Rep. Kelley to the resolution, H. R. 211, was tabled.

Yeas 60; Nays 6.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Cabaniss, Carothers, Carter, Cates, Clark (G), Cosby, Dixon, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Horn, Howard, Kennedy, Langford, McKee, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Reed, Riddick, Sandusky, Smith (M), Starkey, Stewart, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Willis and Zoghby.

—60

Nays:

Reps. Brakefield, Holley, Holmes, Kelley, Shavers and Wyatt.

—6

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 471. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

McDOWELL LEE,
Secretary,

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 213. To abolish the State Licensing Board for the Healing Arts; to transfer all of the powers of the State Licensing Board for the Healing Arts with regard to chiropractors to the State Board of Chiropractic Examiners; and to provide for the transfer of property and assets to the State Board of Medical Examiners for the use of the Medical Licensure Commission.

Also:

H. 214. To create a commission to be known as the Medical Licensure Commission appointed by the Governor, Lieutenant Governor, and Speaker of the House; to set the terms of office of the members of the Commission and stagger those terms; to give the Commission exclusive power and authority to issue, revoke and reinstate all licenses to practice medicine or osteopathy; to give the Commission authority to promulgate reasonable rules and regulations; to require the Commission to receive and consider but not be bound by the recommendation of the State Board of Medical Examiners prior to exercising its authority under this Act; to provide that all personnel and facilities necessary for administration of this Act be furnished by the State Board of Medical Examiners, and to provide that all money, funds, fees, charges, and other receipts provided for in this Act be paid to the State Board of Medical Examiners to carry out the provisions of this Act; to authorize the State Board of Medical Examiners to employ the individuals necessary for assisting the Commission; to give the Commission and the Board power to call upon prosecuting attorneys for assistance without charge; to give an applicant whose application for a certificate of qualification is denied by the Board a right of appeal to the Commission; to provide for appropriate fees to be charged for administration of this Act; to provide that the State Board of Medical Examiners shall have the duty to promote continuing medical education of all licensed physicians and osteopaths and empower the Board to provide funds to any nonprofit corporation for the purpose of conducting continuing medical education programs without being bound by competitive bidding laws; to establish the necessary administrative provisions for administration of this Act; to authorize the State Board of Medical Examiners to collect all fees provided for in this Act and require the Board of Medical Examiners to furnish all employees and facilities utilized by the Commission; to provide that the State Board of Medical Examiners shall continue to collect fees for examination, certificates of qualification, and such other fees as are authorized by law or this Act; to give the Commission authority to seek an injunction against any person engaged in the unlawful practice of medicine or osteopathy; to require the licenses to practice medicine or osteopathy be recorded in the office of judge of probate in the county in which the licensee resides; to provide that any person who practices medicine or osteopathy without having complied with the provisions of this Act and any person who violates any of the provisions of this Act be fined not less than \$500.00 (five hundred dollars) and not more than \$1,000.00 (one thousand dollars), and, in addition, at the discretion of the trial judge may be imprisoned in the county jail for not more than 12 (twelve) months; to provide that each day a person practices medicine or osteopathy without meeting all of the

requirements of all laws now in force and of this Act shall constitute a separate offense; to provide that any person filing or attempting to file as his own a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree; to give the Medical Licensure Commission the power and duty to suspend for a specified time to be determined in the discretion of the Commission or revoke a license whenever the licensee is found guilty on the basis of substantial evidence of any of the specified grounds in the Act; to establish acts or offenses which constitute grounds for the Medical Licensure Commission to suspend or revoke licenses to practice medicine or osteopathy; to provide that every physician who accepts the privilege of practicing medicine or osteopathy in the State of Alabama by actually practicing or by making and filing an annual registration to practice medicine or osteopathy shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations at the direction of the Board or Commission and provide that the physician shall be deemed to have given his consent to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications; to establish procedures by which the State Board of Medical Examiners shall investigate complaints against physicians or osteopaths and make recommendations to the Medical Licensure Commission; to establish procedures by which hearings for suspension or revocation of a license shall be conducted by the Commission; to give the authority to the Commission to temporarily suspend the license of a physician or osteopath without a hearing where the physician's or osteopath's continuation in practice may constitute an immediate danger to his patients or to the public; to provide procedures whereby a physician or osteopath may surrender his certificate of qualification or request in writing that a restriction be placed on his certificate of qualification; to specify the actions that may be taken by the Commission if a physician or osteopath is found guilty of any of the acts, offenses or conditions specified in this Act; to grant subpoena power to the Commission and to the Board; to authorize depositions to be taken on a commission issued by the executive officer of the Commission or by the executive director of the Board; to provide that any order of the Medical Licensure Commission suspending or revoking a license to practice medicine or osteopathy shall have immediate effect and shall not be stayed or held in abeyance by any court; to provide that if a court of competent jurisdiction determines that the Commission acted arbitrarily or capriciously or that the Commission grossly abused its discretion, that the order of the Commission shall be vacated upon issuance of a preemptory writ of mandamus; to provide that the reviewing court shall not itself hear or accept any further evidence with respect to issues of fact determined by the Commission; to provide for the repeal of conflicting laws; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

McDOWELL LEE,
Secretary.

H. R. 211 RESUMED

On motion of Rep. Biddle, the resolution, H. R. 211, was temporarily postponed.

BILLS ON SECOND READING

Rep. Turnham, Chairman of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 188. To amend § 16-24-31, Code of Alabama, 1975 as amended, to provide that not more than two members of the state tenure commission may be appointed from any one congressional district.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 197. (With Amendment): To create a Surface Mining Commission with responsibility and authority to conform the State's Regulatory requirements regarding surface mining activities with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87; 30 U.S.C. 1200 et. seq., and any valid regulation promulgated thereunder, and thereby enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and thereby to prevent Federal intrusion into land use planning and control and other integral and traditional aspects of the sovereignty of the State of Alabama; and

To make the State eligible for Federal Funding to develop and implement programs to achieve those purposes essential to the best interests of the people of the State of Alabama and those purposes necessary to prevent further Federal encroachment upon those states rights protected by the tenth amendment of the Constitution of the United States; and

To repeal Act No. 551, S. 887, Regular Session 1975 (Acts of Alabama 1975, p. 1226), The Alabama Surface Mining Reclamation Act of 1975, and all laws or parts of laws which conflict with this Act.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 855. To provide for optional retirement for previously retired state employees.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 853. (With Amendment): To prohibit the training or possession of dogs used to fight other dogs; to prohibit the exhibition of fighting dogs; to prohibit attendance at exhibitions of fighting dogs; and to provide penalties for violations.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 835. To define and regulate self-service facilities; to provide for a lien on property stored in such facilities; and to provide for the enforcement of said lien.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and

ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 584. (With Amendments): To regulate all security guards in this State; to provide a title, to define certain terms; to create the Alabama Private Security Regulatory Board; to provide for powers and duties of such Board; to provide for licenses for persons engaged in a private security business; to provide for registration of proprietary and contract security guards; to provide for registration fees; to provide for qualifications; to provide for training requirements; to provide for carrying of firearms; to provide for uniform and motor vehicle identifying insignia; to provide for unlawful acts; and to provide for an effective date.

Rep. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit.:

H. 597. (With Substitute) (With Amendments): To be known as the "Long-Term Care Ombudsman Act"; to provide general definitions; to authorize the State Long-Term Care Ombudsman and the Alabama Commission on Aging to investigate complaints concerning long-term care facilities and to certify community ombudsmen; to provide the responsibilities of community ombudsmen; to require the cooperation of other state agencies and their employees; to establish procedures for receiving, investigating, and resolving complaints; to require that these procedures be posted; to provide for immunity of complaints; to repeal conflicting laws; and to provide an effective date.

Rep. Willis, Chairman of the Standing Committee on Natural Resources reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 752. To amend Section 9-11-61 of the Code of Alabama 1975 relating to the transporting of furs, skins or pelts of fur-bearing animals, so as to provide that any person, firm or corporation which transports such furs, skins or pelts may obtain the same from a person who holds a license from another state which is the equivalent of an Alabama fur catcher's license.

H. 805. To amend Code of Alabama 1975, § 9-11-17 so as to provide the requirements, duties, authority, compensation and method of revoking appointments for deputy game and fish wardens.

H. 849. To declare that the site of the former Vina High School located at Vina, Alabama, in Franklin County, is hereby fully approved for the construction, erection and maintenance of a public high school.

Rep. Holley, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 308. To amend Section 37-2-1, Code of Alabama 1975 relating to defining the term "transportation company".

S. 195. To amend Section 32-9-21, Code of Alabama, 1975, which provides for a maximum permissible length for any motor bus driven or operated

upon Alabama highways so as to further provide for a maximum permissible width for any such motor bus and to repeal all laws in conflict therewith.

Rep. Ray, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 809. To authorize the city of Tuscumbia to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

H. 812. Relating to Dallas County; to provide that the Probate Judge shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the Grantee's name and latest complete address.

H. 845. Applicable to the City of Russellville, Franklin County, Alabama, to provide an expense allowance to the Mayor and to each member of the city governing body of said city.

H. 848. To provide for a supplemental salary payable out of the Baldwin County General Fund, the annual sum of Six Thousand Dollars (\$6000.00) per year to all circuit judges and Fifty Four Hundred Dollars (\$5400.00) per year for all district judges, serving within the 28th Judicial Circuit of Alabama.

H. 860. Relating to Colbert County; providing that it shall be unlawful for anyone to willfully throw or cast headlights or any rays of artificial light from any motor vehicle in any field, woodland or forest in an attempt to locate deer or any other wildlife with the exception of farmers who may do so while checking livestock on owned, leased or rented land; and providing for penalties.

S. 463. Relating to Shelby County: To authorize the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged and to provide for the approval of such fee schedule by the County Commission of Shelby County, Alabama.

Rep. Waggoner, Chairman of the Standing Committee on Local Legislation No. 2 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 209. Relating to Jefferson County; defining, regulating the profession and licensing of barbers and barber colleges; establishing a barbering commission; defining the powers and duties of said commission; prescribing the functions of the county commission, the treasurer and the judge of probate relating to the barber commission; and providing penalties for violations.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3 reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 628. (With Amendment): To establish a Sheriff's filing fee on all civil and criminal cases filed in Mobile County, Alabama, and to provide for the collection and disbursement of said fee.

H. 627. (With Amendment): To provide for fees, to set fees, to establish the method of collection, and to provide for the disbursement of fees for the Sheriff of Mobile County, Alabama.

H. 825. (With Amendment): Relating to Mobile County; to authorize and empower the county commission to establish a solid waste management program.

Rep. Sandusky, Chairman of the Standing Committee on Local Legislation No. 3 reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 840. To amend Section 8 of Act 2431, H. 2569, 1971 Regular Session (Acts of 1971, p. 3880), as amended, by Act 97, H. 433, 1973 Regular Session (Acts of 1973, p. 123).

Rep. Owens, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments and it was read a second time and placed on the Calendar, to-wit:

H. 630. (With Substitute) (With Amendments): To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1982.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 213. To abolish the State Licensing Board for the Healing Arts; to transfer all of the powers of the State Licensing Board for the Healing Arts with regard to chiropractors to the State Board of Chiropractic Examiners; and to provide for the transfer of property and assets to the State Board of Medical Examiners for the use of the Medical Licensure Commission.

Also:

H. 214. To create a commission to be known as the Medical Licensure Commission appointed by the Governor, Lieutenant Governor, and Speaker of the House; to set the terms of office of the members of the Commission and stagger those terms; to give the Commission exclusive power and authority to

issue, revoke and reinstate all licenses to practice medicine or osteopathy; to give the Commission authority to promulgate reasonable rules and regulations; to require the Commission to receive and consider but not be bound by the recommendation of the State Board of Medical Examiners prior to exercising its authority under this Act; to provide that all personnel and facilities necessary for administration of this Act be furnished by the State Board of Medical Examiners, and to provide that all money, funds, fees, charges, and other receipts provided for in this Act be paid to the State Board of Medical Examiners to carry out the provisions of this Act; to authorize the State Board of Medical Examiners to employ the individuals necessary for assisting the Commission; to give the Commission and the Board power to call upon prosecuting attorneys for assistance without charge; to give an applicant whose application for a certificate of qualification is denied by the Board a right of appeal to the Commission; to provide for appropriate fees to be charged for administration of this Act; to provide that the State Board of Medical Examiners shall have the duty to promote continuing medical education of all licensed physicians and osteopaths and empower the Board to provide funds to any nonprofit corporation for the purpose of conducting continuing medical education programs without being bound by competitive bidding laws; to establish the necessary administrative provisions for administration of this Act; to authorize the State Board of Medical Examiners to collect all fees provided for in this Act and require the Board of Medical Examiners to furnish all employees and facilities utilized by the Commission; to provide that the State Board of Medical Examiners shall continue to collect fees for examination, certificates of qualification, and such other fees as are authorized by law or this Act; to give the Commission authority to seek an injunction against any person engaged in the unlawful practice of medicine or osteopathy; to require that licenses to practice medicine or osteopathy be recorded in the office of judge of probate in the county in which the licensee resides; to provide that any person who practices medicine or osteopathy without having complied with the provisions of this Act and any person who violates any of the provisions of this Act be fined not less than \$500.00 (five hundred dollars) and not more than \$1,000.00 (one thousand dollars), and, in addition, at the discretion of the trial judge may be imprisoned in the county jail for not more than 12 (twelve) months; to provide that each day a person practices medicine or osteopathy without meeting all of the requirements of all laws now in force and of this Act shall constitute a separate offense; to provide that any person filing or attempting to file as his own a diploma or license of another or a forged affidavit of identification shall be guilty of a felony and shall be subject to the punishment prescribed for forgery in the second degree; to give the Medical Licensure Commission the power and duty to suspend for a specified time to be determined in the discretion of the Commission or revoke a license whenever the licensee is found guilty on the basis of substantial evidence of any of the specified grounds in the Act; to establish acts or offenses which constitute grounds for the Medical Licensure Commission to suspend or revoke licenses to practice medicine or osteopathy; to provide that every physician who accepts the privilege of practicing medicine or osteopathy in the State of Alabama by actually practicing or by making and filing an annual registration to practice medicine or osteopathy shall be deemed to have given his consent to submit to a mental, physical or laboratory examination or to any combination of such examinations at the direction of the Board or Commission and provide that the physician shall be deemed to have given his consent to waive all objections to the admissibility of the examining physician's testimony or examination reports on the ground that they constitute privileged doctor-patient communications; to establish procedures by which the State Board of Medical

Examiners shall investigate complaints against physicians or osteopaths and make recommendations to the Medical Licensure Commission; to establish procedures by which hearings for suspension or revocation of a license shall be conducted by the Commission; to give the authority to the Commission to temporarily suspend the license of a physician or osteopath without a hearing where the physician's or osteopath's continuation in practice may constitute an immediate danger to his patients or to the public; to provide procedures whereby a physician or osteopath may surrender his certificate of qualification or request in writing that a restriction be placed on his certificate of qualification; to specify the actions that may be taken by the Commission if a physician or osteopath is found guilty of any of the acts, offenses or conditions specified in this Act; to grant subpoena power to the Commission and to the Board; to authorize depositions to be taken on a commission issued by the executive officer of the Commission or by the executive director of the Board; to provide that any order of the Medical Licensure Commission suspending or revoking a license to practice medicine or osteopathy shall have immediate effect and shall not be stayed or held in abeyance by any court; to provide that if a court of competent jurisdiction determines that the Commission acted arbitrarily or capriciously or that the Commission grossly abused its discretion, that the order of the Commission shall be vacated upon issuance of a peremptory writ of mandamus; to provide that the reviewing court shall not itself hear or accept any further evidence with respect to issues of fact determined by the Commission; to provide for the repeal of conflicting laws; to provide for the severability of the provisions of this Act; and to provide an effective date for this Act.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 471. To amend Section 16-9-8 of the Code of Alabama 1975, relating to the election of the county superintendent of education, so as to provide for the manner of electing a successor in the event a successful candidate dies or resigns prior to taking office.

And finds same correctly enrolled.

JACK BIDDLE, III,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT FILED

Pursuant to the House Joint Resolution 249, Act No. 80-722, 1980 Regular Session of the Alabama Legislature, Rep. Joe M. Ford, Chairman, submitted the report of the Joint Interim Committee To Study The Needs And Necessities Of Off-Campus Branches Or Centers Of Junior Colleges, and the report was ordered filed.

MOTION TO RECONSIDER TABLED

On motion of Rep. Whatley, the motion offered by Rep. Penry, a Notice in Writing having been timely filed, to reconsider the vote by which the House nonconcurred in the Senate amendment to the bill, H. 108, was tabled.

Yeas 49; Nays 25.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Bedsole, Brakefield, Cabaniss, Campbell, Carter, Cates, Clark (G), Cosby, Dial, Drinkard, Ford, Gilmer, Gregg, Grimsley, Hall, Hammett, Harper (T), Harvey, Holley, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Langford, McKee, Manley, Minus, Naramore, Olive, Owens, Parker, Payne, Pegues, Ray, Riddick, Sasser, Shoemaker, Smith (M), Turner, Venable, Ward, Warren, Whatley and Willis.

—49

Nays:

Reps.: Amari, Bennett, Blake, Cheatwood, Clark (W), Crow, Dixon, Edwards, Grouby, Harrison, Holmes, Horn, Kennedy, Nevett, Penry, Rains, Roberts, Shavers, Smith (C), Starkey, Stout, Turnham, Waggoner, Wyatt and Zoghby.

—25

REPORT OF CONFERENCE COMMITTEE H. B. 102

We, the Committee on Conference appointed to reconcile the differences between the two Houses concerning House Bill 102, have met, considered the matter, and agreed to the following report.

We recommend that the Senate recede from its Substitute and Amendment (both by Senator Miller) and that the bill as passed by the House be agreed to by both Houses.

Conferees on the part of the House.

SETH HAMMETT,

GERALD DIAL,

GEORGE G. SEIBELS, JR.

Conferees on the part of the Senate.

DEWEY WHITE, JR.,

REO KIRKLAND, JR.,

WALLACE MILLER.

REPORT OF COMMITTEE ON CONFERENCE

On motion of Rep. Hammett, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 102, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 58; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carter, Cates, Clark (G), Clark (W), Coburn, Dial, Dixon, Ford, Gilmer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Horn, Howard, Kelley, Kennedy, Laird, Langford, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Shoemaker, Smith (C), Stewart, Stout, Trammell, Turner, Venable, Ward, Warren, Whatley, Williams and Wyatt.

—58

Nay: Rep. Albright.

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And the bill:

H. 102. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-20, 34-29-23 of the Code of Alabama 1975, so as to: limit board members to two terms; and to provide further for the compensation of board members.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Blake, Brakefield, Cabaniss, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Cosby, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harper (T), Harvey, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Shoemaker, Smith (C), Starkey, Stewart, Stout, Trammell, Venable, Ward, Warren, Whatley, Williams, Wyatt and Zoghby.

—67

Nay: Rep. Albright.

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RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 216. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made the special, paramount and continuing order of business April 7, 1981, taking precedence over any other business of the House.

Report of Standing Committees.

Introduction of Bills and Resolutions.

Uncontested Local Bills.

By Rep. Owens:

H. 708. p. 87 Boards of education, employer cost for retirement

By Rep. Owens:

H. 709. p. 88 Teachers Retirement System

By Rep. Owens:

H. 631. p. 88 Education budget

By Rep. Owens:

H. 632. p. 89 Marion Military Institute, appropriation

By Rep. Owens:

H. 633. p. 89 Lyman Ward Military Academy, appropriation

By Rep. Owens:

H. 634. p. 90 Talladega College, appropriation

By Rep. Owens:

H. 635. p. 90 Walker County Junior College, appropriation

By Rep. Reed:

H. 776. p. 91 Tuskegee Institute, appropriation

By Rep. Owens:

H. 448. p. 66 Conservation Dept., appropriation

By Rep. Kelley:

H. 545. p. 58 Oil and gas production tax

By Rep. Kelley:

H. 546. p. 59 Oil and gas severance tax

By Rep. Biddle:

H. 327. p. 55 Casual sales

By Rep. Biddle:

H. 43. p. 13 Drugs, exempt from sales tax

By Rep. Adams (C):

H. 71. p. 8 Counties to self insure

By Rep. Patton:

H. 121. p. 25 Revise juvenile age

By Mr. McDonald:

S. 112. p. 83 Airport authorities

By Rep. Bedsole:

H. 41. p. 13 Medicaid fraud

By Rep. Boles:

H. 464. p. 28 Medal of honor tags

By Rep. Gafford:

H. 287. p. 3 Extend provisions of Act 738

By Rep. Roberts:

H. 359. p. 27 Fireworks

By Rep. Langford:

H. 691. p. 94 Additional Circuit Judgeship

By Rep. Kennedy:

H. 559. p. 92 Child abuse

By Rep. Blake:

H. 210. p. 5 Wire fish baskets

By Rep. Albright:

H. 19. p. 3-S "Collector's" bottles, liquor tax

By Rep. Payne:

H. 406. p. 68 Hand guns

By Rep. Waggoner:

H. 361. p. 52 Alabama Aviation Hall of Fame

By Rep. Johnson (R. G.):

H. 802. p. 2-S Hospitals, etc; confidentiality

By Rep. Lewis:

H. 218. p. 22 Public health reports

By Rep. Sasser:

H. 363. p. 52 Parole officers, annuity

By Rep. Cabaniss:

H. 237. p. 32 Medicare Supplement

By Rep. Holley:

H. 6. p. 8 Alabama Capitol Complex

By Rep. Smith (M):

H. 512. p. 54 State capitol police officers

By Rep. Dixon:

H. 192. p. 22 Controlled Substances Therapeutic Research Act

By Rep. Williams:

H. 556. p. 68 Short barrel shot guns

By Rep. Pegues:

H. 742. p. 103 Labeling honey

By Rep. Bowling:

H. 422. p. 71 Garnishment of wages, child support

By Rep. Bowling:

H. 423. p. 71 Paternity suits, time limitation

By Mr. Goodwin:

S. 116. p. 96 Airport authorities

By Rep. Mitchell:

H. 734. p. 102 Funeral Services Board

By Rep. Campbell:

H. 353. p. 28 Abandoned motor vehicles

By Rep. Owens:

H. 153. p. 27 Election state employees, Personnel Board

By Rep. McKee:

H. 125. p. 39 Commission city elections

By Rep. McKee:

H. 129. p. 40 Mayor-council city elections

By Rep. Adams (C):

H. 336. p. 41 Highway Director, federal funds

By Rep. Harper (T):

H. 410. p. 27 Uniform plans for school construction

By Rep. Letson:

H. 63. p. 4 Commercial fertilizer, fees

By Rep. Letson:

H. 65. p. 4 Public warehouses, fees

By Rep. Sasser:

H. 563. p. 64 ABC Board, definitions

By Rep. Bowling:

H. 386. p. 103 Child labor

By Rep. Bowling:

H. 385. p. 65 Industrial Relations

By Rep. Drinkard:

H. 395. p. 58 Unemployment Compensation

By Rep. Smith (J):

H. 371. p. 53 Disabled veterans tags, design

By Rep. Greer:

H. 717. p. 97 Raise speed limits

By Rep. Bennett:

H. 20. p. 26 Public employees payroll deduction

By Rep. Cates:

H. 321. p. 24 State Banking Board

By Rep. Willis:

H. 428. p. 36 Conservation Dept., property

By Rep. Holley:

H. 49. p. 2 Hospitals, etc; itemized statements

By Rep. Parker:

H. 646. p. 74 Barber Board established

On motion of Rep. Biddle, the resolution, H. R. 216, was adopted.

H. R. 211 RESUMED

RESOLUTION LOST

The motion offered by Rep. Cates to adopt the resolution, H. R. 211, was lost.

Yeas 39; Nays 43.

Yeas:

Reps.: Adams (C), Adams (H), Blake, Cabaniss, Carothers, Carter, Cates, Clark (G) Cosby, Dial, Dixon, Edwards, Gilmer, Goodwin, Gregg, Grimsley, Harper (O), Harper (T), Holmes, Laird, McKee, McMillan, Manley, Minus, Moore, Olive, Owens, Pegues, Penry, Riddick, Roberts, Sasser, Shoemaker, Stewart, Turnham, Venable, Ward, Whatley and Zoghby.

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Nays:

Reps.: Albright, Barton, Bennett, Biddle, Boles, Bowling, Brakefield, Cheatwood, Clark (W), Cobb, Coburn, Cooley, Drinkard, Escott, Ford, Gafford, Hall, Harrison, Holley, Horn, Jackson, Johnson (Roy), Kennedy, Langford, Letson, Naramore, Nevett, Parker, Patton, Payne, Rains, Reed, Seibels, Shavers, Smith (C), Starkey, Stout, Trammell, Tucker, Turner, Waggoner, Warren and Wyatt.

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CO-SPONSOR REMOVED

Rep. Naramore was removed as co-sponsor to the resolution, H. R. 211.

REPORT OF THE STANDING COMMITTEE ON RULES

Rep. Biddle, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following resolution and ordered same returned to the House with a favorable report:

H. J. R. 212. DECLARING THE LEGISLATIVE INTENT TO BE CONSERVATIVE AND CAUTIOUS IN APPROPRIATING THE ONE-TIME LUMP SUM MONEY COMING INTO THE STATE TREASURY FROM THE LEASING OF STATE-OWNED WATER BOTTOMS IN THE GULF OF MEXICO FOR OIL AND GAS PURPOSES, AND AFFIRMING THE LEGISLATIVE INTENT TO APPROPRIATE THIS MONEY ONLY FOR REQUIRED, PERMANENT, ONE-TIME, CAPITAL OUTLAY.

RESOLUTION TEMPORARILY POSTPONED

On motion of Rep. Cates, the resolution, H. 212, was temporarily postponed.

RESOLUTION

The following resolution was introduced:

By Rep. Parker:

H. J. R. 217. DESIGNATES MAY 3-10, 1981 AS ALABAMA ALCOHOL AWARENESS WEEK.

whereas, the observance of the traditional Mothers Day has been expanded on the national level to include marriage and family week and it seems appropriate that the week culminating with Mothers Day also be designated as "Alabama Alcohol Awareness Week;" and

WHEREAS, family members suffer from youthful fatalities occurring on the streets and highways of Alabama which in large measure are attributed to the consumption of alcohol, and much of child abuse has been related thereto; and

WHEREAS, the Fetal Alcohol Syndrome is known to produce mentally and physically handicapped children; and

WHEREAS, alcohol is an addictive drug and its social use is increasing rapidly, with an estimated fifteen million alcoholic-problem drinkers in America today;

NOW, THEREFORE, BE IT RESOLVED by the Legislature of Alabama, both houses thereof concurring, that marriage and family week, May 3-10, 1981, also be proclaimed "Alabama Alcohol Awareness Week," in recognition of the potential for family disharmony and personal injury resulting from the social use of alcohol; and

BE IT FURTHER RESOLVED, that each family be encouraged to consider the joy and benefits from a drink-free life style, and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Alabama Citizens Action Program.

On motion of Rep. Parker, the rules were suspended and the resolution, H. J. R. 217, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Rep. Minus (With Notice and Proof):

H. 864. Relating to Choctaw County; authorizing the Alabama Alcoholic Beverage Control Board to permit the sale of draft or keg beer in said county

Local Legislation No. 1

I HEREBY CERTIFY THAT THIS NOTICE AND PROOF IS ATTACHED TO THE BILL H. B. 864, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 865. Relating to Choctaw County, authorizing the county governing body to provide for salaries of clerical and secretarial employees which may be hired from time to time to staff the offices of the tax assessor and tax collector.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 865, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus (With Notice and Proof):

H. 866. Relating to Choctaw County; amending the title and Sections 1, 2, and 4 of Act No. 2312, S. 1053, 1971 Regular Session (Acts 1971, p. 3734), and Act No. 80-295, H. 796, 1980 Regular Session (Acts 1980, p. 409-410), relating to the appointment of the county superintendent of education, so as to provide for the election and further for the qualifications and compensation of such officer.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 866, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Minus:

H. 867. Providing certain state income tax deductions for certain individual blood donations to blood banks within this state which are operated by nonprofit organizations.

Ways and Means.

By Rep. Minus:

H. 868. To require a cotenant of realty who acquire his interest by purchase to hold his interest in the realty a minimum of five years before compelling a partition of the realty.

Judiciary.

By Rep. Cosby (With Notice and Proof):

H. 869. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Billingsley in Autauga County.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 869, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Whatley, Ray and Rains:

H. 870. To create the Alabama Indian Affairs Commission; to provide for its duties and membership; to provide the method of appointment and compensation of said members; and repeals Sections 41-9-700 through 41-9-707, Code of Alabama 1975.

State Administration.

By Reps. Smith (C), Daniels and Warren:

H. 871. To make a supplemental appropriation for the use of the state department of corrections for payment to the several counties of this state for expenses incurred for the housing, maintenance and medical support of state prisoners in an amount necessary to fully compensate the counties therefor; to make such supplemental appropriation from the general fund of the state treasury for the fiscal year ending September 30, 1981; and to set a maximum sum therefor.

Ways and Means.

By Rep. Turnham:

H. 872. To amend Sections 40-23-1, 40-23-4, 40-23-60 and 40-23-62, and to repeal Section 40-23-3 of the Code of Alabama 1975, which relate to sales and use taxes, so as to annul certain provisions providing for exemptions from payment of such taxes.

Ways and Means.

By Rep. Gilmer (With Notice and Proof):

H. 873. Relating to Lamar County; to establish a special fund in the county treasury to pay a bounty on beaver trapped or killed in Lamar County; to provide for the administration of said fund and bounty system.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 873, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Waggoner (With Notice and Proof):

H. 874. To authorize and provide for the incorporation in Jefferson County of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways on the Black

Warrior River and proposed channels on Village, Valley, and Five Mile Creeks into the Birmingham metropolitan area through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities, including roads, railroads, pipelines, conveyors, and facilities suitable for use as manufacturing plants, industrial plants, and leasing or letting such buildings, structures or facilities; to provide for the election and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities, and all conveyances, leases, mortgages and deeds of trust to which such authority is a party, from all taxation in the state, including license and excise taxes, levied by any county, municipality, or political subdivision of the state; to exempt such authority from payment of certain charges to judges of probate; to exempt every authority from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the employees of the county by which the incorporation of the authority was authorized if there is such a system applicable to the employees of the county, and to provide for the dissolution of any such authority and the disposition of its property.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 874, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO 919.

JOHN W. PEMBERTON, CLERK

By Rep. Edwards (With Notice and Proof):

H. 875. Relating to Wilcox County; to amend Section 1 of Act No. 1447, S. 962, of the Regular Session of 1971 (Acts 1971, p. 2471), relating to the compensation of the board of registrars, so as to provide further for such compensation for the period of time from January 1, 1977, through September 30, 1980; and to provide for retroactive effect for such period of time.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 875, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Warren:

H. 876. To provide for a state income tax refund check-off designation for the support of nongame wildlife programs in Alabama.

Natural Resources.

By Rep. Seibels:

H. 877. To amend Sections 34-29-4, 34-29-20, 34-29-23, 34-29-41 and 34-29-45, Code of Alabama 1975, which relate to the Alabama Board of Veterinary Medical Examiners, so as to provide further for the term and compensation of the members of the board and to increase the fees of the board.

State Administration.

By Reps. Wyatt and Langford (With Notice and Proof):

H. 878. To amend Sections 3.02, 3.05, 3.12, 3.15 and 4.04 of Act 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to further provide for the Council of such cities to set per diem allowances, salaries, or expense allowances (with certain limitations); to require persons seeking council seats to pay a certain qualifying fee or submit a petition containing a minimum number of signatures of registered voters; to allow the Council to set its meeting days; and to further provide for the salary of the Mayor (with certain limitations).

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 878, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Wyatt and Langford (With Notice and Proof):

H. 879. To amend further Section 6 of Act No. 833 of the Legislature of Alabama 1969, as amended, by which the retirement system for employees of Montgomery County was established, so as to provide further for eligibility requirements for retirement benefits under such system.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 879, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Wyatt and Langford (With Notice and Proof):

H. 880. To reopen the Montgomery County employees' retirement system for prior service credit for certain employees of Montgomery County who

did not become members of said system on the last date of effective participation for such employees; to provide that as prerequisites to such credit, members must make certain contributions therefor and must be contributing members of said retirement system in the active service of Montgomery County, the employer for whom such prior service was rendered and to provide that Montgomery County shall pay such employers costs as are necessary with respect to its employees subject to this act.

Local Legislation No. 4.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 880, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Reps. Smith (M), Carothers and Gregg:

H. 881. To provide for the regulation and licensing of the practice of barbering and cosmetologists and related services; to provide for definitions; to provide for qualifications of applicants; to create a board to administer the provisions of this act; to provide for the qualifications, meetings, records, investigations of, and membership, terms of office and compensation of the board; to regulate cosmetology and barber shops and schools; to exempt public schools and trade schools from various provisions of the act; to require a certificate of health of applicants for licensure; to provide for examinations of applicants and to exempt certain persons actively practicing as of the date of this act from the requirements and examination of other applicants; to provide for temporary licensing and permits; to provide a schedule of fees charged licensees; to provide for reciprocity for out of state practitioners; to provide for the procedure for fee payment; to prohibit certain practices without licensing and to prescribe penalties for violation; to provide for disciplinary actions by the board and appeal procedures for aggrieved persons; to exempt certain emergency care or non-compensated services from the act; to authorize the board to promulgate and publish necessary rules and regulations not incompatible with this act; and to specifically repeal Sections 34-7-1 through 34-7-47, as amended, Code of Alabama 1975.

Health.

By Reps. Penry and McMillan (With Notice and Proof):

H. 882. Relating to Baldwin County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3 and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; and prescribing penalties and fixing punishment for violation of this act.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 882, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Cobb (With Notice and Proof):

H. 883. Relating to Marion County; to authorize the County Board of Education to meet the last week in June and to set the salary of the Superintendent of Education.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 883, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Cobb (With Notice and Proof):

H. 884. To provide for the composition of the Marion County Commission relating to the redivision of the representation districts for Marion County; to employ a county engineer and to provide for a road unit system.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 884, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Cobb (With Notice and Proof):

H. 885. To amend Section 1 of Act. No. 2376, H. 228, 1971 Regular Session (Acts 1971, p. 3805), relating to pistol permit fees in Marion County so as to provide further for the amount and disposition of such fees.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 885, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Turner (With Notice and Proof):

H. 886. Relating to Washington County; to amend Act No. 80-274, H. 730, 1980 Regular Session of the Alabama Legislature (Acts of 1980, p. 362), which prohibited the hunting of unantlered deer, so as to grant the Department of Conservation and Natural Resources the power to permit the hunting of unantlered deer within designated areas where in the opinion of the Commissioner of Conservation it is necessary for game management purposes.

Local Legislation No. 1.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 886, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

By Rep. Carter:

H. 887. To amend Section 5 of Act No. 79-545, H. 296 (Acts 1979, p. 985), which act relates to the procurement, development, restoration,

maintenance, and preservation of wetlands for migratory waterfowl habitat, to reduce the amount of funds derived from the sale of the migratory waterfowl stamp which can be spent outside the United States from one-half to no more than ten (10) percent.

Ways and Means.

By Reps. Daniels, Hall, Warren, Bowling, Cosby, Sandusky, McKee, Bedsole, Holley, Grimsley, Whatley, Laird, Ward, Hammett, Payne, Penry, McMillan, Harper (T), Harvey, Johnson (Roy), Smith (C), Barton, Boles, Letson, Bennett, Waggoner, Trammell, Albright, Starkey, Gilmer, Goodwin, Cabaniss, Cheatwood, Pegues, Shoemaker, Blake, Moore, Harper (O), Crow, Adams (C), Campbell, Zoghby, Edwards, Willis, Johnson (R. G.), Langford, Holmes, Venable, Manley, Turner, Naramore, Carter, Gregg, Coburn, Cobb, Ford, Drinkard, Stout, Riddick, Shavers, Roberts, Brakefield, Kelley, Amari, Greer, Smith (M), Patton, Williams, Ray and Cates:

H. 888. To require the state health department to give notice to interested parties prior to the implementation of any rule promulgated by it.

Health.

By Reps. Stout and Rains:

H. 889. To amend Section 40-28-3 of the Code of Alabama 1975, relating to the distribution of the counties' share of the in-lieu-of-taxes payments of T.V.A., so as to provide further therefor; and to provide for an effective date.

Local Government.

By Rep. McKee:

H. 890. To provide that retiring state law enforcement officers of the state of Alabama may keep their pistols and badges.

Ways and Means.

By Rep. McKee:

H. 891. To amend Section 36-30-20 of the Code of Alabama 1975, relating to compensation for death or, disability or occupational diseases for municipal policemen and state troopers so as to cover certain state law enforcement officers under such compensation plan.

Ways and Means.

By Rep. Howard (With Notice and Proof):

H. 892. To increase from fifty dollars per month to two hundred dollars per month the expense allowance received by certain Jefferson County officials in lieu of being provided an automobile by the County.

Local Legislation No. 2.

I HEREBY CERTIFY THAT THIS NOTICE & PROOF IS ATTACHED TO THE BILL, H. B. 892, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919.

JOHN W. PEMBERTON, CLERK

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S. J. R. 93. MOURNING THE TRAGIC AND UNTIMELY DEATH OF MR. PATRICK H. PETTWAY OF GREENE COUNTY, ALABAMA.

Also:

S. J. R. 94. DESIGNATING PROFESSIONAL SECRETARIES WEEK AND PROFESSIONAL SECRETARIES DAY IN ALABAMA.

Also:

S. J. R. 95. DESIGNATING PROFESSIONAL SECRETARIES DAY IN TUSCALOOSA COUNTY, ALABAMA.

Also:

S. J. R. 103. HONORING MRS. EDRIS SPEER UPON HER RETIREMENT FROM THE HEALTH CARE INDUSTRY OF ALABAMA.

Also:

S. J. R. 104. COMMENDING MR. YANCEY PARKER, PROMINENT ENTERPRISE BUSINESS AND CIVIC LEADER.

Also:

S. J. R. 105. COMMENDING MR. WARREN H. BROWN, DISTINGUISHED UNITED STATES ARMY VETERAN AND LONGTIME SUPPORTER OF THE AMERICAN LEGION.

Also:

S. J. R. 106. HONORING MR. GEORGE JOHNSON UPON HIS RETIREMENT AS ADMINISTRATOR OF CROSS TRAILS REGIONAL LIBRARY.

Also:

S. J. R. 107. COMMENDING MRS. JANE BENTON DAVIS UPON HER RETIREMENT.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Reps. Waggoner, Tucker, Amari, Bennett, Biddle, Boles, Cabaniss, Gafford, Harrison, Horn, Howard, Jackson, Lewis, Moore, Olive, Payne, Seibels and Trammell:

H. J. R. 218. COMMENDING COACH GENE BARTOW, UNIVERSITY OF ALABAMA, BIRMINGHAM.

WHEREAS Coach Gene Bartow led the 1981 University of Alabama in Birmingham basketball players to a 23-9 season, including an invitation to the NCAA Mideast Regional; and

WHEREAS Coach Bartow is only one of seven coaches in NCAA history to ever take three different teams to the NCAA tournament; and

WHEREAS the UAB's victories over Western Kentucky and Kentucky in the Mideast Regional tournament give Coach Bartow the most victories in the NCAA tournament of any collegiate basketball coach in the history of Alabama; and

WHEREAS Coach Bartow has been selected as the Sun Belt Conference Coach of the Year; and

WHEREAS he has been selected as the National Association of Basketball Coaches District 6 Coach of the Year;

NOW THEREFORE BE IT RESOLVED by the Legislature of Alabama, both houses thereof concurring, that the Legislature commends Coach Bartow for his achievements since joining UAB in 1977.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Coach Bartow as a symbol of our pride in his achievements and our wish for his continued success.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 218, was adopted.

Also:

By Reps. Waggoner, Tucker, Amari, Bennett, Biddle, Boles, Cabaniss, Gafford, Harrison, Horn, Howard, Jackson, Lewis, Moore, Olive, Payne, Seibels and Trammell:

H. J. R. 219. CONGRATULATING THE UNIVERSITY OF ALABAMA, BIRMINGHAM, BASKETBALL TEAM.

WHEREAS in 1977 the Legislature of Alabama requested that the University of Alabama in Birmingham consider fielding a major collegiate basketball team; and

WHEREAS the UAB quickly responded by shocking the basketball world with its announcement that Gene Bartow of UCLA would be the coach of UAB's basketball program; and

WHEREAS the UAB basketball program has exceeded all expectations; and

WHEREAS in the second year of play UAB was invited to play in the NIT; and

WHEREAS in its third year of play UAB became the youngest team ever to participate in the NCAA tournament; and

WHEREAS in 1981 UAB was tri-champion of the Sun Belt Conference, runnerup in the Sun Belt Conference tournament, was UAB's 1980 classic champion and runnerup in the University of Kentucky Invitational Tournament; and

WHEREAS UAB participated in the NCAA tournament and won two games—the most ever won by an Alabama team—before losing to the NCAA champion, Indiana; and

WHEREAS UAB ended the season with a 23-9 record;

NOW THEREFORE BE IT RESOLVED by the Legislature of Alabama, both houses thereof concurring, that the Legislature congratulates the success of Coach Bartow, Assistant Coaches Lee Hunt and Oscar Catlin, and the players, Murry Bartow, Bill McCammon, Jonath Nicholas, Luellen Foster, Oliver Robinson, Scott Simcik, Tim Almquist, Leon Morris, Glenn Marcus, Chris Giles, Craig Lane, Tim Richards, Donnie Speer and Norman Anchrum;

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the coaches and players as an expression of our pride in their accomplishments.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 219, was adopted.

Also:

By Reps. Waggoner, Tucker, Amari, Bennett, Biddle, Boles, Cabaniss, Gafford, Harrison, Horn, Howard, Jackson, Lewis, Moore, Olive, Payne, Seibels and Trammell:

H. J. R. 220. COMMENDING GLENN MARCUS

WHEREAS the City of Alabaster has declared April 16, 1981 as "Glenn Marcus Day"; and

WHEREAS Glenn Marcus, a native of Alabaster, Alabama, has distinguished himself in the basketball world; and

WHEREAS at Thompson High School, under the direction of Coach Ellie Glasscock, Glenn led that school to two consecutive 3A championships and was honored by being selected to play on the 3A Allstate team and the 3A Allstate tournament team; and

WHEREAS, upon graduation from Thompson High School, Glenn enrolled at Gadsden State Junior College and was coached by Stan Cook, and during his two years at that school he led his team to a 45-10 record, was the team captain, and Most Valuable Player for the Alabama Junior College Association; and

WHEREAS upon graduation from Gadsden State Junior College Glenn enrolled at the University of Alabama in Birmingham, and while at UAB he distinguished himself as a team leader on UAB's 29-9 NCAA Mideast Regional squad, was the 1981 Most Valuable Player, was selected to the Mideast Regional, Bloomington, Indiana, All-tournament team, was selected to the All-tournament UAB Classic team for 1979-80, received honorable mention in the All-Sun Belt Conference for 1980, was Player of the Week, and received numerous other honors; and

WHEREAS Glenn is the UAB record holder in career assists, 217 in 62 games, the most assists in a single game, 11, vs. South Alabama and Virginia Commonwealth; and

WHEREAS one of the highlights of Glenn's illustrious career came when he scored 11 consecutive free throws to assist in defeating Kentucky in the NCAA 1981 tournament and was named Chevrolet Player of the Game; and

WHEREAS while in UAB Glenn has played in all 62 Blazer games, including the NIT and NCAA actions;

NOW THEREFORE BE IT RESOLVED by the Legislature of Alabama, both houses thereof concurring, that the Legislature congratulates Glenn on his accomplishments;

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Glenn for the Glenn Marcus Day as the Legislature's expression of its pride in his accomplishments.

On motion of Rep. Waggoner, the rules were suspended and the resolution, H. J. R. 220, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of the bills on the Special Order Calendar.

And the bill:

H. 801. Relating to the Thirtieth Judicial Circuit; changing the jury strike system to a one-strike system in trials by jury for misdemeanors or felonies, or upon appeals to the circuit court from lower courts; repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Blake, Brakefield, Buskey, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Drinkard, Edwards, Gafford, Goodwin, Greer, Gregg, Grouby, Hall, Hammett, Harper (O), Holmes, Kennedy, Laird, Letson, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Reed, Roberts, Sasser, Smith (C), Starkey, Stewart, Turnham, Venable, Ward, Warren, Williams and Wyatt.

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And the bill:

H. 827. Relating to Crenshaw County; to provide for an additional expense allowance for election officials of said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Albright, Barton, Bennett, Blake, Brakefield, Campbell, Carothers, Carter, Cheatwood, Clark (G), Cobb, Crow, Drinkard, Edwards, Escott, Gafford, Goodwin, Greer, Gregg, Grouby, Hammett, Harper (O),

Harvey, Holley, Holmes, Kennedy, Laird, Langford, Letson, McMillan, Manley, Moore, Naramore, Nevett, Olive, Parker, Payne, Pegues, Penry, Reed, Sasser, Smith (C), Starkey, Stewart, Turnham, Venable, Ward, Warren, Williams and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 828. Relating to Crenshaw County; to provide for an additional expense allowance for the members of the jury commission of said county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Blake, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Drinkard, Edwards, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Johnson (Roy), Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Parker, Payne, Pegues, Penry, Ray, Reed, Sasser, Smith (C), Starkey, Stewart, Turner, Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

—60

And the bill:

H. 561. (With Amendments): Relating to Mobile County; to authorize the county commission to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing dirt, clay, sand, gravel, rocks, stone, topsoil, oyster shells, or sea shells within the county and transporting said materials out of the county; to provide that the proceeds from the tax be distributed to the county road and bridge fund; to authorize the tax collector to inspect the books of each person severing said materials; to authorize the county commission to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; to set certain bookkeeping requirements and to prescribe penalties for the violations of the provisions of this act.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 561, Section 4, Page 2, line 22, by striking through the period after the word "years" and adding the following: , and said records shall remain in Mobile County.

And the amendment was adopted.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Blake, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Crow, Drinkard, Escott, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Kennedy, Langford, Letson, Manley, Minus, Moore, Nevett, Owens, Parker, Reed, Starkey, Stewart, Turner, Turnham, Venable, Ward, Williams, Willis and Wyatt.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 561, Section 5, Page 2, line 29 by striking after the word "levied" the following words: within the time required by this division and adding in lieu thereof the following: by the 20th day of each calendar month after the last day of the month in which the tax is calculated

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Blake, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Crow, Drinkard, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Hall, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Kennedy, Langford, Letson, McMillan, Manley, Minus, Moore, Nevett, Owens, Parker, Payne, Pegues, Penry, Reed, Sasser, Starkey, Stewart, Turner, Turnham, Venable, Warren, Williams, Willis and Wyatt.

—53

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 561, Section 5, page 2, line 37 by striking the words "or remit."

Further amend H. B. 561 on Section 5, page 2, line 38 by adding a period (.) after the word "thereof."

And the amendment was adopted.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Blake, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Coburn, Crow, Drinkard,

Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Harper (O), Harper (T), Holley, Holmes, Kennedy, Laird, Langford, Letson, McMillan, Manley, Minus, Moore, Nevett, Owens, Parker, Penry, Reed, Roberts, Sasser, Starkey, Stewart, Turner, Turnham, Venable, Williams, Willis and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 4 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 561, Section 4, page 2, line 26 by adding after the word "be" the following: 2% (two percent) of the gross tax collected and shall be

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Blake, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Drinkard, Escott, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Kennedy, Langford, Letson, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Parker, Penry, Read, Sasser, Smith (C), Starkey, Turner, Turnham, Venable, Warren, Williams, Willis and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 5 reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 561, page 1, lines 15 and 16 by striking the following words: "gravel, rocks, stone, topsoil, oyster shells, or sea shells" and adding in lieu thereof "or topsoil."

Further amend H. B. 561, page 2, line 8 by striking the following words: "gravel, rocks, stone, topsoil, oyster shells or sea shells" and adding in lieu thereof "or topsoil."

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Biddle, Blake, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn,

Cosby, Crow, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Harvey, Holmes, Kelley, Kennedy, Langford, Letson, McMillan, Manley, Minus, Moore, Nevett, Olive, Owens, Parker, Payne, Penry, Ray, Reed, Roberts, Sasser, Smith (C), Stewart, Stout, Turner, Turnham, Venable, Warren, Williams, Willis and Wyatt.

—59

And the bill:

H. 561. Relating to Mobile County; to authorize the county commission to levy and collect, in addition to all other taxes heretofore imposed by law, an excise and privilege tax on every person severing dirt, clay, sand, or topsoil within the county and transporting said materials out of the county; to provide that the proceeds from the tax be distributed to the county road and bridge fund; to authorize the tax collector to inspect the books of each person severing said materials; to authorize the county commission to make such reasonable rules and regulations as may be necessary to enforce and collect the tax imposed by this act; to set certain bookkeeping requirements and to prescribe penalties for the violations of the provisions of this act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Blake, Bowling, Brakefield, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Crow, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Kelley, Kennedy, Langford, Letson, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Roberts, Sasser, Starkey, Stout, Turner, Turnham, Venable, Ward, Warren, Williams, Willis and Wyatt.

—62

Nay: Rep. Stewart.

—1

And the bill:

H. 629. To provide for supplementing the salaries or compensation paid to certain semiretired or retired district judges in the 13th Judicial Circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bennett, Blake, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Crow, Drinkard, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Holmes, Howard, Kennedy, Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Owens, Parker, Penry, Reed, Sasser, Smith (C), Stewart, Trammell, Turner, Turnham, Venable, Warren, Williams, Willis and Wyatt.

—53

And the bill:

H. 677. (With Amendment): Relating to Mobile County; providing for the registration, licensing and regulation of buyers of gold and silver.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said committee amendment being as follows:

Amend H. B. 677 on page 1, Section 2, line 26 by striking the words "judge of probate" and adding in lieu thereof the following: "License Commission."

Further amend H. B. 677 on page 1, Section 4, line 33 by striking the words "judge of probate" and adding in lieu thereof the following: "License Commission."

Further amend H. B. 677 on page 1, Section 4, line 35 by striking the words "judge of probate" and adding in lieu thereof the following: "License Commission."

Further amend H. B. 677 on page 3, Section 6, line 24 by striking the words "judge of probate" and adding in lieu thereof the following: "License Commission."

Further amend H. B. 677 on page 3, Section 6, line 36 by striking the words "judge of probate" and adding in lieu thereof the following: "License Commission."

Further amend H. B. 677 on page 4, Section 7, line 6 by striking the words "judge of probate" and adding in lieu thereof the following: "License Commission."

Further amend H. B. 677 on page 4, Section 8, line 12 by striking the words "judge of probate" and adding in lieu thereof the following: "License Commission."

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Kelley, Kennedy, Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Parker, Payne, Pegues, Penry, Ray, Reed, Sasser, Smith (C), Starkey, Trammell, Turner, Turnham, Venable, Warren, Williams and Wyatt.

—62

And the bill, H. 677 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Crow, Drinkard, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Holley, Holmes, Horn, Howard, Kennedy, Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Payne, Pegues, Penry, Ray, Sasser, Smith (C), Starkey, Stout, Trammell, Turner, Turnham, Venable, Warren, Williams, Willis and Wyatt.

—64

And the bill:

S. 281. Relating to Mobile County; to exempt Mobile County from the provisions of any Act of the 1981 Regular Session of the Alabama Legislature increasing the salaries of state troopers or any other employee of the Alabama Department of Public Safety.

Was read a third time at length and passed.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Brakefield, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cosby, Crow, Drinkard, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harvey, Holley, Holmes, Horn, Howard, Kennedy, Langford, Letson, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Sasser, Smith (C), Starkey, Stewart, Stout, Trammell, Turner, Turnham, Venable, Warren, Williams, Willis and Wyatt.

—66

And the bill:

H. 679. (With Amendment): Relating to Mobile County; to provide further for the compensation of election employees and officers.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3, said amendment being as follows:

In Section 1, page 1, line 20, between the words "treasury" and "shall" insert the following language: and, when appropriate, the treasuries of the various municipalities within the county.

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Bennett, Biddle, Blake, Buskey, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Gafford, Gilmer,

Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Holley, Holmes, Horn, Kelley, Kennedy, Langford, Letson, McMillan, Manley, Minus, Moore, Nevett, Owens, Parker, Payne, Penry, Ray, Reed, Roberts, Sasser, Seibels, Smith (C), Stewart, Turner, Warren, Williams and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 679 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Albright, Bennett, Biddle, Blake, Buskey, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Cosby, Drinkard, Edwards, Gafford, Goodwin, Greer, Grimsley, Grouby, Hall, Harper (O), Harper (T), Harvey, Holley, Holmes, Howard, Kennedy, Langford, Letson, McMillan, Manley, Minus, Moore, Nevett, Owens, Parker, Patton, Payne, Penry, Reed, Roberts, Sasser, Smith (C), Starkey, Stewart, Turner, Ward, Warren, Whatley, Williams and Wyatt.

—54

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Rep. Naramore offered the motion to reconsider the vote by which the bill, S. 281, was passed, and the motion to reconsider was adopted.

Yeas 42; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Biddle, Bowling, Brakefield, Carter, Clark (G), Cobb, Coburn, Crow, Dixon, Gafford, Goodwin, Greer, Hall, Hammett, Harper (O), Harvey, Holmes, Horn, Howard, Johnson (Roy), Langford, McMillan, Manley, Moore, Naramore, Nevett, Olive, Owens, Patton, Penry, Rains, Sasser, Seibels, Smith (C), Smith (M), Stout, Trammell, Whatley, Willis and Wyatt.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 281, was again read a third time at length and passed.

Yeas 13; Nays 2.

Yeas:

Reps.: Bennett, Blake, Buskey, Clark (W), Cobb, Harper (T), Horn, Kennedy, Parker, Seibels, Stewart, Turner and Zoghby.

—13

Nays: Reps.: Brakefield and Nevett.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 680. To repeal Act No. 263, S. 222, Special Session 1961 (Acts 1961, p. 2280), which Act provides for compensation of election officers in counties having a population of not less than 300,000 nor more than 500,000 according to the latest federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 37; Nays 0.

Yeas:

Reps.: Adams (C), Albright, Barton, Bedsole, Bennett, Buskey, Carothers, Carter, Cheatwood, Clark (W), Cobb, Drinkard, Gilmer, Greer, Grouby, Hall, Harper (T), Harvey, Holmes, Howard, Laird, Langford, McMillan, Owens, Parker, Penry, Reed, Sasser, Seibels, Starkey, Stewart, Turner, Turnham, Warren, Williams, Wyatt and Zoghby.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Rep. Johnson (Roy), the rules were suspended in order to take up out of order the bill, S 152.

And the bill:

S. 152. To amend Section 2 of Act No. 80-583, S. 453, Regular Session 1980 (Acts 1980, p. 896) in order to clarify the term of office for the additional district judgeship in Tuscaloosa County.

Was read a third time at length and passed.

Yeas 54; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bennett, Biddle, Blake, Brakefield, Buskey, Carothers, Carter, Cheatwood, Clark (G), Cobb,

Coburn, Cooley, Cosby, Drinkard, Gafford, Gilmer, Goodwin, Greer, Harper (O), Harper (T), Harvey, Holley, Horn, Howard, Johnson (Roy), Kennedy, Langford, Letson, Manley, Minus, Mitchell, Moore, Nevett, Pegues, Penry, Ray, Reed, Roberts, Seibels, Smith (C), Starkey, Stewart, Stout, Trammell, Turnham, Ward, Williams, Wyatt and Zoghby.

—54

Nay: Rep. Whatley.

—1

And the bill:

H. 819. Relating to Cleburne County; providing an additional expense allowance for the county tax assessor.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Blake, Buskey, Carothers, Carter, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Dial, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Johnson (Roy), Kelley, Langford, McMillan, Manley, Minus, Nevett, Owens, Parker, Penry, Ray, Reed, Roberts, Sasser, Seibels, Smith (C), Stewart, Turnham, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 820. To provide for a special recording fee of \$1.50, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Clay County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Letson, McMillan, Manley, Minus, Naramore, Nevett, Olive,

Owens, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Smith (C), Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

And the bill:

H. 829. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, on the service of all court papers or documents arising out of civil or quasi-civil action at law or equity; and designating the authorized expenditure from the revenue thereby generated.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Letson, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Smith (C), Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

And the bill:

H. 830. Relating to Clay County; providing further for additional levy of court costs, and the collection and distribution of such court costs, in any case, upon conviction of a misdemeanor or felony; and designating the funds thereby generated for the maintenance and supervision of the county jail building.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Letson, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Smith (C), Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

And the bill:

H. 831. Relating to Clay County; providing further for additional levy of court costs and the collection and distribution of such court costs, on the service of certain court papers or documents arising out of any civil or criminal action, instituted outside the state of Alabama, whether at law or equity; and prescribing that all revenue thereby generated shall be deposited into the "Sheriff's Department Fund" of the county general fund.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Letson, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Smith (C), Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

And the bill:

H. 832. Relating to Clay County; providing further for levying additional court costs, and the collection and distribution of such court costs, in any criminal proceeding arising out of any drug related crime; and designating that all revenue thereby generated be expended exclusively for the enforcement of drug and controlled substances laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Barton, Bedsole, Bennett, Biddle, Blake, Bowling, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Holley, Holmes, Horn, Howard, Johnson (Roy), Kennedy, Langford, Letson, McMillan, Manley, Minus, Naramore, Nevett, Olive, Owens, Penry, Rains, Ray, Reed, Roberts, Sasser, Seibels, Smith (C), Stewart, Stout, Turner, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis, Wyatt and Zoghby.

—69

And the bill:

H. 708. (With Amendments): To amend § 16-25-21, Code of Alabama 1975, to require that all city and county boards of education shall pay the employer cost for retirement for all salaries paid by such boards of education which are not included in the Minimum Program Fund.

With pending amendments reported by the Standing Committee on Ways and Means was taken up.

SUBSTITUTE OFFERED

Rep. Owens offered the following substitute to the bill, H. 708, with pending amendments:

A BILL TO BE ENTITLED AN ACT

To amend §16-25-21, Code of Alabama 1975, to require that all city and county boards of education shall pay the employer cost for retirement for all salaries paid by such boards of education which are not included in the Minimum Program Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. §16-25-21, Code of Alabama 1975, is hereby amended to read as follows:

§16-25-21. "Effective October 1, 1955, all the assets of the retirement system shall be credited according to the purpose for which they are held among five funds, namely: The annuity savings fund, the annuity reserve fund, the pension accumulation fund, the pension reserve fund and the expense fund. The operation of the former pension fund shall be discontinued as of such date, and an amount equal to the pension reserve on all pensions and benefits in lieu thereof in effect as of that date and payable theretofor from the pension fund shall be transferred to the pension reserve fund, and an amount equal to the balance of the reserves held in said former fund shall be transferred to the pension accumulation fund."

"(1)a. The annuity savings fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their annuities. Contributions to and payments from the annuity savings fund shall be made as follows:"

"b. Each employer shall cause to be deducted from the salary of each member on each and every payroll five percent of his earnable compensation. In determining the amount earnable by a member in a payroll period, the board of control may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deductions from compensation for any period less than a full payroll period if a teacher was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the deduction required of any member by such an amount as shall not exceed one tenth of one percent of the annual compensation upon the basis of which such deduction is to be made."

"c. The deduction provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deduction made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less such deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except as to the benefits provided under this chapter. The employer shall certify to the board of control on each and every payroll or in such other manner as the board may prescribe the amount to be

deducted; and each of said amounts shall be deducted, and when deducted shall be paid into the annuity savings fund and shall be credited, together with regular interest thereon, to the individual account of the member from whose compensation said deduction was made."

"d. In addition to the contributions deducted from compensation as hereinbefore provided, subject to the approval of the board of control, any member may deposit in the annuity savings fund a single payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional annuity which, together with his prospective retirement allowance, will provide for him a total retirement allowance not to exceed one half of his average final compensation at age 60. Such additional amounts so deposited shall become a part of his accumulated contributions except in the case of retirement, when they shall be treated as excess contributions returnable to the member in cash or as an annuity of equivalent actuarial value and shall not be considered in computing his pension. The contributions and interest credits of a member withdrawn by him, or paid to his estate or to his designated beneficiary in event of his death, shall be paid from the annuity savings fund. Should a member cease to be a member other than by retirement under the provisions of this title, an amount equivalent to the difference, if any, between his accumulated contributions and the amount then paid shall be transferred to the expense fund. Upon the retirement of a member or the death of an eligible member where an allowance to the surviving spouse is payable, his accumulated contributions shall be transferred from the annuity savings fund to the annuity reserve fund."

"e. Notwithstanding the preceding provisions, no deductions shall be made from any member's salary on account of which the employer's contribution is in default."

"(2) The annuity reserve fund shall be the fund in which shall be held the reserve on all annuities in force and from which shall be paid all annuities and all benefits in lieu of annuities. Should a beneficiary again become a member of the retirement system, his annuity reserve shall be transferred from the annuity reserve fund to the annuity savings fund and credited to his individual account therein. Should a beneficiary again become a teacher, his annuity reserve may be transferred from the annuity reserve fund to the annuity savings fund and credited to his individual account therein."

"(3) a. The pension accumulation fund shall be the fund in which shall be accumulated all reserves for the payment of all pensions and other benefits payable from contributions made by employers. Contributions to and payments from the pension accumulation fund shall be made as follows:"

"b. On account of each member there shall be paid annually into the pension accumulation fund by employers for the preceding fiscal year an amount equal to a certain percentage of the earnable compensation of each member to be known as the "normal contribution" and, until the accrued liability has been liquidated, an additional amount equal to a percentage of his earnable compensation to be known as the "accrued liability contribution."

"c. On the basis of regular interest and of such mortality and other tables as shall be adopted by the board of control, the actuary engaged by the board to make such valuation required by this title during the period over which the accrued liability contribution is payable shall, immediately after making such valuation, determine the uniform and constant percentage of the earnable compensation of the average new entrant which, if contributed

on the basis of his compensation throughout his entire period of active service, would be sufficient to provide for the payment of any pension payable on his account. The rate per centum so determined shall be known as the "normal contribution" rate. After the accrued liability contribution has ceased to be payable, the normal contribution rate shall be the per centum rate of the earnable compensation of all members obtained by deducting from the total liabilities of the pension accumulation fund the amount of funds in hand to the credit of that fund and dividing the remainder by one percent of the present value of the prospective total earnable compensation of all members as computed on the basis of regular interest and the mortality and service tables adopted by the board of control. The normal contribution rate shall be determined by the actuary after each valuation."

"d. The accrued liability contribution rate shall be computed by the actuary on the basis of the valuation as of March 31, 1966 as the per centum rate of the total annual compensation of all members which is equivalent to four percent of the total liabilities of the pension accumulation fund, based on the benefit provisions of this title which are effective as of September 1, 1965, which are not dischargeable by the sum of the funds standing to the credit of said fund and the present value of the aforesaid normal contributions."

"e. The total amount payable in each year to the pension accumulation fund shall be not less than the sum of the per centum rates known as the normal contribution rate and the accrued liability contribution rate of the total compensation earnable by all members during the preceding year; provided, that the aggregate accrued liability contribution by employers for any fiscal year commencing on or after October 1, 1966, shall be at least three percent greater than the accrued liability contribution for the preceding fiscal year."

"f. All interest and dividends earned on the funds of the retirement system shall be credited to the pension accumulation fund. The amounts needed to allow regular interest on the reserves in the annuity savings fund, the annuity reserve fund, and the pension reserve fund shall be transferred in accordance with the provisions of this chapter to the respective funds from the pension fund. The board of control, in its discretion, may transfer to and from the pension accumulation fund the amount of any surplus or deficit which may develop in the annuity savings fund, the annuity reserve fund, the pension reserve fund or the expense fund."

"g. Upon the retirement of a member or the death of an eligible member where an allowance to the surviving spouse is payable, an amount equal to his pension reserve shall be transferred from the pension accumulation fund to the pension reserve fund."

"h. Upon the death of a member on account of whom no survivor allowance is payable under subdivisions (2) and (3) of subsection (g) of section 16-25-14, the death benefit as provided in subdivision (3) of subsection (f) of such section equal to the accumulated contributions not to exceed \$5,000.00 shall be payable from the pension accumulation fund."

"(4) The pension reserve fund shall be the fund in which shall be held the reserves on all pensions and benefits in lieu thereof granted to members and all allowances granted to surviving spouses from which such pensions, benefits and allowances to surviving spouses shall be paid. Should a beneficiary receiving a pension from the pension reserve fund again become a member of the retirement system, his pension reserve shall be transferred from the pension reserve fund to the pension accumulation fund. Should the

pension payable from the pension reserve fund be reduced as a result of an increase in the earning capacity of a disability beneficiary, the amount of such annual reduction in his pension shall be paid annually into the pension accumulation fund during the period of such reduction."

"(5) The expense fund shall be the fund from which the expenses of the administration of the retirement system shall be paid, exclusive of amounts payable as retirement allowances and as other benefits provided herein. Any amounts credited to the accounts of members withdrawing before retirement and not returnable under the provisions of subsection (g) of section 16-25-14 shall be credited to the expense fund. Any additional contributions required to meet the expenses of the retirement system shall be made as provided in paragraphs c, d and e of subdivision (6) of this section."

"(6) a. On or before October 1 of each year, each county and city board of education, the state board of education, the governing boards of the University of Alabama, Auburn University and the University of Montevallo and the executive committee of the Alabama education association shall file with the board of control of the retirement system a certified statement containing the following information concerning the members of the retirement system employed by such boards for the scholastic year beginning on July first preceding said date: name, address, monthly salary, annual salary and such other information as the board of control may require. On or before July 31 of each year, each county and city board of education; the state board of education; the governing boards of the University of Alabama, Auburn University, and the University of Montevallo and the executive committee of the Alabama education association shall file with the board of control of the retirement system a certified statement containing the following information concerning members of the retirement system employed by such boards during the scholastic year ending on June 30 preceding said date: name, address, monthly salary actually paid, total annual salary actually paid and such other information as the board of control may require."

"b. The collection of members' contributions shall be as follows: Each county and city board of education, the state board of education, the governing boards of the University of Alabama, Auburn University and the University of Montevallo and the executive committee of the Alabama education association shall cause to be deducted on each and every payroll period subsequent to the date of the establishment of the retirement system the contributions payable by each member as provided in this chapter. Each employer shall transmit monthly, or at such time as the board of control shall designate, the total amount so deducted to the secretary-treasurer of the board of control accompanied by an itemized statement of the contributions of each individual member of the retirement system. The secretary-treasurer of the board of control after making a record of all such receipts shall transmit the same to the state treasurer to be held for use according to the provisions of this chapter. Notwithstanding anything in this section, the board of control may modify the form of reports required of employers and may modify the method of collecting the contributions of members so that employers may retain the amounts so deducted and have a corresponding amount deducted from funds otherwise payable to them."

"c. The employer's contribution shall be made by appropriation from the Alabama special educational trust fund, provided that the employer contribution on account of any salaries paid to professional employees by any city or county board of education which are paid from any source other than the minimum program fund or other state appropriations to the board of education for teacher units under the financial assistance program shall be paid

directly to the retirement system by such board of education, and such employer contribution shall not be included in the appropriation to the teachers' retirement system from the Alabama special educational trust fund. Should the salary of any professional employee, for which the employer contribution is made from the special educational trust fund, be supplemented by local funds, then the employer shall be required to pay, directly to the teachers' retirement system, the employer contributions on account of said employee's salary to the extent that such amount is not included in the minimum program fund or other state appropriations to the board of education for teacher units under the financial assistance program. The employer contribution on any such supplemental salary shall not be included in the appropriation to the teachers' retirement system from the Alabama special educational trust fund. The appropriation to the teachers' retirement system from the Alabama special educational trust fund shall be in an amount to be determined as follows: On or before the first day of February next preceding each regular meeting of the legislature, the board of control shall certify to the governor the amount calculated as percentage of the salaries of teachers to be contributed by the state as employer for the next following year to each of the funds of the retirement system in accordance with subdivisions (3) and (5) of this section. These amounts shall be included in the appropriation bill which is submitted to the legislature. The board of control shall certify to the state comptroller one quarter of the annual amount appropriated in each quarter of the fiscal year, and he shall draw a warrant or warrants for the amounts due the retirement system to be deposited with the state treasurer. The employer contribution on account of any salaries paid to professional employees by any city or county board of education which are paid from any source other than the minimum program fund or other state appropriations to the board of education for teacher units under the financial assistance program, or any local supplements paid to employees whose salaries are otherwise derived from the foregoing state appropriations shall be calculated in the same manner and in accordance with the same rates as is the employer contribution appropriated from the special educational trust fund. Such amounts shall be payable monthly and each board of education shall transmit monthly such amounts to the secretary-treasurer together with the member contributions as set forth in paragraph b of subsection 6 of this section."

"d. Where member contributions are made from salaries paid from federal funds, the employer shall pay from federal funds to the Alabama special educational trust fund the amount calculated as a percentage of the salaries of those teachers to be contributed by the state as employer in accordance with subdivisions (3) and (5) of this section. Such amounts shall be paid monthly and at the same time as the member contributions are made to the retirement system. The provisions of this paragraph shall not apply to funds received under the provisions of the Hatch Act of 1887, as amended in 1955, and the McIntyre-Stennis Act (Cooperative Forestry Research Act of 1962) of the congress of the United States, for the support of agriculturally related research."

"e. Where member contributions are made from salaries paid by the Alabama education association, the Alabama education association shall pay the employer costs calculated as a percentage of the salaries of those employees to be contributed as employer in accordance with subdivisions (3) and (5) of this section. Such amounts shall be paid monthly and at the same time as the member contributions are made to the teachers' retirement system."

Section 2. The provisions of this Act are supplemental; however, all laws or parts of laws in direct conflict herewith are hereby repealed.

REGULAR SESSION
17th Day

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Section 3. This Act shall become effective October 1, 1981, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 63; Nays 11.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bedsole, Bennett, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Coburn, Cosby, Crow, Dial, Drinkard, Edwards, Ford, Gafford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harrison, Harvey, Holley, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Laird, Letson, McKee, Manley, Minus, Naramore, Nevett, Olive, Owens, Ray, Reed, Riddick, Roberts, Sasser, Shavers, Shoemaker, Smith (C), Starkey, Stout, Venable, Waggoner, Warren, Whatley, Williams and Willis.

—63

Nays:

Reps.: Albright, Blake, Buskey, Cheatwood, Clark (W), Cooley, Hall, Kennedy, Langford, Turner and Wyatt.

—11

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 102. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Veterinary Medical Examiners as provided in Sections 34-29-1 through 34-29-46 of the Code of Alabama 1975, with certain modifications to amend Sections 34-29-20, 34-29-23 of the Code of Alabama 1975, so as to: limit board members to two terms; and to provide further for the compensation of board members.

And said Bill, H. B. 102, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

H. 708 RESUMED

H. 708 INDEFINITELY POSTPONED

On motion of Rep. Johnson (Roy), the bill, H. 708 as amended, was indefinitely postponed.

Yeas 62; Nays 36.

Yeas:

Reps.: Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Cheatwood, Clark (W), Cobb, Cooley,

Crow, Daniels, Drinkard, Escott, Gafford, Goodwin, Greer, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Moore, Nevett, Olive, Patton, Payne, Penry, Rains, Riddick, Roberts, Seibels, Shavers, Smith (C), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Waggoner, Warren and Wyatt.

—62

Nays:

Mr. Speaker, Adams (C), Brakefield, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Edwards, Ford, Gilmer, Gregg, Grimsley, Grouby, Kelley, Laird, McKee, McMillan, Manley, Minus, Naramore, Owens, Parker, Pegues, Ray, Reed, Sandusky, Sasser, Shoemaker, Smith (J), Venable, Ward and Whatley.

—36

MOTION TO RECONSIDER

Having voted on the prevailing side, Rep. Johnson (Roy) offered the motion to reconsider the vote by which the bill, H. 708 as amended, was indefinitely postponed.

SUBSTITUTE MOTION ADOPTED

Rep. Holmes offered the substitute motion to reconsider the vote by which the bill, H. 708 as amended, was indefinitely postponed and to table that motion, and the substitute motion was adopted.

Yeas 59; Nays 37.

Yeas:

Reps.: Albright, Amari, Barton, Bennett, Biddle, Blake, Boles, Bowling, Buskey, Cabaniss, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Escott, Goodwin, Hall, Harper (O), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Lewis, Moore, Nevett, Olive, Patton, Payne, Penry, Rains, Riddick, Roberts, Seibels, Shavers, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Waggoner, Warren, Williams and Wyatt.

—59

Nays:

Mr. Speaker, Adams (C), Bedsole, Brakefield, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Edwards, Gilmer, Greer, Gregg, Grimsley, Grouby, Harper (T), Kelley, Laird, McKee, McMillan, Manley, Minus, Naramore, Owens, Parker, Pegues, Ray, Sandusky, Sasser, Shoemaker, Venable, Ward and Whatley.

—37

And the bill:

H. 709. Providing for a decrease in the 1980-81 appropriation to the teachers' retirement system; setting this amount aside in a special account in the state treasury to be held for future use by the legislature in making the appropriation for the 1981-82 fiscal year to the teachers' retirement system.

Was taken up.

SUBSTITUTE OFFERED

Rep. Owens offered the following substitute to the bill, H. 709:

A BILL
TO BE ENTITLED
AN ACT

Providing for a decrease in the 1980-81 appropriation to the teachers' retirement system; appropriating this amount as a portion of the state funding to the teachers' retirement system for the 1981-82 fiscal year.

Be It Enacted by the Legislature of Alabama:

Section 1. The appropriation to the teachers' retirement system for the 1980-81 fiscal year is reduced by a total of \$12,500,000. The June 1981 appropriation to the teachers' retirement system shall be reduced by \$3,125,000; the July 1981 appropriation to the teachers' retirement system shall be reduced by \$3,125,000; the August 1981 appropriation to the teachers' retirement system shall be reduced by \$3,125,000 and the September 1981 appropriation to the teachers' retirement system shall be reduced by \$3,125,000. The four amounts, totalling \$12,500,000, shall be retained on the dates specified, in the special educational trust fund and there held for payment to the teachers' retirement system during 1981-82 fiscal year.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 81; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Biddle, Blake, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Harper (T), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley and Williams.

—81

Nay: Rep. Wyatt.

—1

SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the bill, H. 709 as amended:

A BILL
TO BE ENTITLED
AN ACT

Providing for a decrease in the 1980-81 appropriation to the teachers' retirement system; providing a method for the return of this money to the state treasury; providing for the creation of a preretirement death fund effective as to all active employees covered by the teachers' or employees retirement system of Alabama; and providing that no appropriations shall be necessary to fund the provisions of this bill.

Section 1. It is the intent of the legislature to enact the recommendations of the four actuaries who studied the financial requirements of the teachers' retirement system which includes a decrease in the funding level for the 1980-81 fiscal year together with the establishment of a preretirement death benefit fund. It is the further intent of the legislature that the appropriations to the teachers' retirement system will not be increased beyond the 1980-81 level on account of the preretirement death benefit fund established by this act.

Section 2. The appropriation to the teachers' retirement system for the 1980-81 fiscal year is reduced by \$11,735,100. The June 1981 appropriation to the teachers' retirement system shall be reduced by \$2,933,775; the July 1981 appropriation to the teachers' retirement system shall be reduced by \$2,933,775; the August 1981 appropriation to the teachers' retirement system shall be reduced by \$2,993,775; and the September 1981 appropriation to the teachers' retirement system shall be reduced by \$2,933,775.

Section 3. There shall be created the preretirement death benefit program effective June 1, 1981, which shall be effective as of that date to all employees covered under the teachers' retirement system of Alabama and the employees retirement system of Alabama.

Section 4. A separate fund to be known as the preretirement death benefit fund is hereby established within the employees' retirement system of Alabama and the teachers' retirement system of Alabama to be held in trust by the respective boards of control. Such fund shall consist of all monies paid by the employers for preretirement death benefit purposes, and of the investment earnings upon such monies, and shall be used only to pay the preretirement death benefits prescribed by section 5 hereof. Concurrent with the determination of the initial liability of this program for the balance of the fiscal year on and after the effective date of the program, there shall be transferred from the pension accumulation funds of each system to the fund created by this section such amounts, as shall be determined by the actuary, necessary to pay anticipated death benefit claims. Subsequent transfers shall be made if necessary to pay the benefits prescribed in section 5 hereof.

Section 5. Upon receipt of proof satisfactory to the respective board of control, of the death of a contributing member, in-service, who had completed at least one year of contributing membership; or of the death of a contributing member as a result of an injury arising out of and in the course of the performance of his duties regardless of length of membership, there shall be paid to such person as he shall have nominated for the refund of his accumulated contributions in the event of his death, if such person is living at the time of said member's death, otherwise to the member's estate, a death benefit equal to the annual earnable compensation of the member as reported to the retirement systems for the preceding fiscal or scholastic year as the case may be; provided that in the event of the death of a contributing member

to whom such benefit is payable who has completed less than one year of contributing membership service said benefits shall be equal to the annual earnable compensation of the member at the time his death occurs. Such death benefit shall be payable in lieu of the matching amount equal to the accumulated contributions of the member not to exceed \$5,000 pursuant to the provisions of § 36-27-16 or § 16-25-14. For purposes of this section, a member shall be deemed to be in-service on the date of his death if his last day of actual service occurred not more than 90 days before the date of his death, provided that he shall not have retired or made application for refund of his contributions.

Section 6. The boards of control are authorized to take such action as may be necessary to provide the death benefit under this section in the form of group life insurance upon determination that to do so would guarantee a more favorable tax treatment to the beneficiaries to whom such benefit is payable.

Section 7. This act shall become effective on June 1, 1981, upon its passage and approval by the governor, or its otherwise becoming a law.

MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the substitute offered by Rep. Johnson (Roy) to the bill, H. 709 as amended, was lost.

Yeas 44; Nays 54.

Yeas:

Mr. Speaker, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Clark (G), Coburn, Cosby, Dial, Dixon, Ford, Gafford, Gilmer, Gregg, Grimsley, Harper (T), Harrison, Kelley, Laird, McKee, McMillan, Manley, Minus, Moore, Naramore, Owens, Payne, Pegues, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Turnham, Venable, Waggoner, Ward, Whatley, Williams and Zoghby.

—44

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Carter, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Edwards, Escott, Goodwin, Greer, Grouby, Hall, Hammett, Harper (O), Harvey, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Nevett, Olive, Patton, Penry, Rains, Ray, Roberts, Shavers, Smith (C), Stewart, Stout, Trammell, Tucker, Turner, Warren, Willis and Wyatt.

—54

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 549. To provide for the rate of interest on overdue or overpaid taxes administered by the state department of revenue; and to provide that the percentage of such tax in excess of the present rate of interest assessed by the said department shall be deposited in the general fund of the state treasury.

McDOWELL LEE,
Secretary.

H. 709 RESUMED

SUBSTITUTE TO SUBSTITUTE OFFERED

Rep. Johnson (Roy) offered the following substitute to the substitute offered by him to the bill, H. 709 as amended:

A BILL
TO BE ENTITLED
AN ACT

Providing for a decrease in the 1980-81 appropriation to the teachers' retirement system and providing a method for the return of this money to the state treasury to be appropriated to the Special Education Trust Fund.

Section 1. It is the intent of the legislature to enact the recommendations of the four actuaries who studied the financial requirements of the teachers' retirement system which includes a decrease in the funding level for the 1980-81 fiscal year.

Section 2. The monies herein provided in the amount of \$11,735,100 to the state treasury is hereby appropriated to the Special Education Trust Fund.

Section 3. This act shall become effective on June 1, 1981, upon its passage and approval by the governor, or its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Rep. Owens, the substitute offered by Rep. Johnson (Roy) to the substitute to the bill, H. 709 as amended, was tabled.

Yeas 49; Nays 46.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Ford, Gafford, Gilmer, Gregg, Grouby, Harper (T), Kelley, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Turnham, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—49

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Escott, Goodwin, Greer, Hall, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Johnson (R. G.), Johnson (Roy), Kennedy, Langford, Letson, Nevett, Patton, Penry, Rains, Roberts, Shavers, Smith (C), Stewart, Stout, Trammell, Tucker, Turner, Warren and Wyatt.

—46

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 438. To authorize the Dale County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 573. Relating to Etowah County; to provide that the county commission must approve any concerts or events for which a license tax is charged pursuant to section 40-12-82 of the Code of Alabama 1975 before such license is issued.

Also:

H. 641. Relating to Henry County; providing further for the salary of the county superintendent of education and providing for an effective date.

Also:

H. 642. Relating to Henry County; providing further for the expense allowance of the members of the county board of education.

Also:

H. 643. Relating to Henry County; providing for an expense allowance for the county superintendent of education; repealing Act No. 1169, H. 1854, Regular Session 1971 (Acts 1971, p. 2026); and providing for its retroactive effect.

Also:

H. 745. Relating to Fayette County; providing for the compensation and expense allowance of the members of the county commission; and providing that a part of this act shall be retroactive to October 1, 1977.

McDOWELL LEE,
Secretary.

MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the amendment offered by Rep. Johnson (Roy) to the bill, H. 709 as amended, was lost.

Yeas 48; Nays 53.

Yeas:

Mr. Speaker, Bedsole, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Ford, Gafford, Gilmer, Gregg, Grouby, Harper (T), Kelley, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Payne, Pegues, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Smith (M), Starkey, Turnham, Venable, Ward, Whatley, Williams, Willis and Zoghby.

—48

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Bennett, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Drinkard, Edwards, Escott, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Harrison, Harvey, Holley, Holmes, Horn, Howard, Jackson,

Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, Nevett, Patton, Penry, Rains, Roberts, Shavers, Smith (C), Stewart, Stout, Trammell, Tucker, Turner, Warren and Wyatt.

—53

H. 709 RESUMED

Rep. Johnson (Roy) withdrew the first substitute offered by him to the bill, H. 709 as amended.

AMENDMENT OFFERED

Rep. Johnson (Roy) offered the following amendment to the bill, H. 709 as amended:

Amend House Bill 709 in the synopsis thereof on Line 13 by changing the numbers 1981-82 to read 1980-81; further change on Line 22 the numbers 1981-82 to read 1980-81; and further change on Line 35 the numbers 1981-82 to read 1980-81.

AMENDMENT INDEFINITELY POSTPONED

The question was again on the amendment offered by Rep. Johnson (Roy) to the bill, H. 709 as amended, and on motion of Rep. Owens, the amendment was indefinitely postponed.

Yeas 53; Nays 46.

Yeas:

Mr. Speaker, Adams (H), Bedsole, Bennett, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Hammett, Harper (T), Harvey, Kelley, McKee, McMillan, Manley, Minus, Moore, Naramore, Owens, Parker, Payne, Pegues, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—53

Nays:

Reps.: Adams (C), Albright, Amari, Barton, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Escott, Goodwin, Greer, Hall, Harper (O), Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, Nevett, Olive, Patton, Penry, Rains, Roberts, Smith (C), Stewart, Stout, Trammell, Tucker, Turner, Warren and Wyatt.

—46

MOTION TO POSTPONE TABLED

On motion of Rep. Owens, the motion offered by Rep. Johnson (Roy) to postpone the bill, H. 709 as amended, to the eighteenth legislative day, was tabled.

Yeas 52; Nays 48.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Harper (T), Harvey, Kelley, McKee, McMillan, Manley, Minus, Moore, Naramore, Owens,

Parker, Payne, Pegues, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—52

Nays:

Reps.: Albright, Amari, Barton, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Escott, Goodwin, Greer, Hall, Hammett, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, Nevett, Olive, Patton, Penry, Rains, Roberts, Smith (C), Smith (M), Stewart, Stout, Trammell, Tucker, Turner, Warren and Wyatt.

—48

And the bill:

H. 709. Providing for a decrease in the 1980-81 appropriation to the teachers' retirement system; appropriating this amount as a portion of the state funding to the teachers' retirement system for the 1981-82 fiscal year.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 46.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Bedsole, Bennett, Biddle, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Coburn, Cosby, Dial, Dixon, Edwards, Ford, Gafford, Gilmer, Gregg, Grimsley, Grouby, Harper (T), Harvey, Kelley, McKee, McMillan, Manley, Minus, Moore, Naramore, Owens, Parker, Payne, Pegues, Ray, Reed, Riddick, Sandusky, Sasser, Seibels, Shoemaker, Smith (J), Starkey, Turnham, Venable, Waggoner, Ward, Whatley, Williams, Willis and Zoghby.

—53

Nays:

Reps.: Albright, Amari, Barton, Blake, Boles, Bowling, Brakefield, Buskey, Cheatwood, Clark (W), Cobb, Cooley, Crow, Daniels, Escott, Goodwin, Greer, Hall, Harper (O), Harrison, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kennedy, Laird, Langford, Letson, Lewis, Nevett, Olive, Patton, Penry, Rains, Roberts, Smith (C), Stewart, Stout, Trammell, Tucker, Turner, Warren and Wyatt.

—46

And the bill:

H. 631. (With Substitute) (With Amendments): To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Was taken up.

SUBSTITUTE OFFERED

Rep. Owens offered the following substitute to the substitute and amendments reported by the Standing Committee on Ways and Means:

A BILL
TO BE ENTITLED
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1982.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1982 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 6, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean the Alabama Special Education Trust Fund.

Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Special Education Trust Fund Surplus Account, Special Mental Health Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1982 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the Code of Alabama, 1975), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if, at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

Section 3:

A. STATE AGENCIES

1. Academy of Honor, Alabama:

(a) Historical Resources Management Program

SOURCE OF FUNDS:

(1) ASETF	903	
Total Alabama Academy of Honor	903	903
2. Arts and Humanities, Council on the		
(a) Fine Arts Program		998,750
(b) Birmingham Symphony		200,000
(c) Alabama Shakespeare Festival		25,000
(d) Jefferson County Committee for Economic Opportunity, Inc.		25,000

SOURCE OF FUNDS:

(1) ASETF	498,750		
(2) Federal and Local Funds		750,000	
Total Council on the Arts and Humanities	498,750	750,000	1,248,750

3. Debt Service

(a) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII	218,256
(b) Interest on Endowments:	
For interest on University of Montevallo (Alabama College) Endowment, Estimated	45,000
For interest on Auburn University Endowment	20,280
For interest on University of Alabama Endowment	61,000
For interest on Grove Hill Endowment	600
For interest on Public School Fund Endowment:	
Interest on 16th Section Lands Estimated	410,000
Interest on School Indemnity Lands Estimated	90,000
Interest on Valueless 16th Section Lands	5,825
Interest on Surplus Revenue	26,764
Interest on James Wallace Fund	275

Total 659,744

SOURCE OF FUNDS:

(1) ASETF 878,000

Total Debt Service 878,000 878,000

4. Dental Scholarship Awards,
Board of:

(a) Support of Other Educational
Activities Programs 228,000

SOURCE OF FUNDS:

(1) ASETF 228,000

Total Board of Dental Scholarship
Awards 228,000 228,000

(To be expended under the provi-
sions of Act No. 662, 1977 Regu-
lar Session.)

5. Education, Department of

(a) Instructional Technical
Assistance Program 7,743,324

The proposed spending plan for the
above is as follows:

Career Education 98,000

Special Education
Administration 450,000

State Fire College and Technical
Assistance Program at Shel-
ton State Community Col-
lege 200,000

Vocational Education ... 651,000

SOURCE OF FUNDS:

(1) ASETF 1,399,000

(2) Federal and Local Funds 6,344,324

Total Instructional Technical As-
sistance Program 1,399,000 6,344,324 7,743,324

(The appropriation for Special Edu-
cation Administration is the
same appropriation as set out in
Act No. 67, approved June 27,
1963, and shall be expended in
accordance with that Act.)

(b) Local Agency Support Pro-
gram 10,559,824

The proposed spending plan for the
above is as follows:

Coordination of In-School Televi-
sion 85,000

Driver Education, School Bus
Driver Training and Vehicle
Safety Inspection 192,000

Free Textbooks 7,705,000

In addition to the above appropriation,
\$1,500,000 is hereby appropriated for Free Textbooks to be
conditioned on the availability of
funds and the approval of the
Governor.

Testing 500,000

Plans and Surveys 66,000

SOURCE OF FUNDS:

(1) ASETF 8,548,000

(2) Federal and Local Funds 2,011,824

Total Local Agency Support Program 8,548,000 2,011,824 10,559,824

(c) Regulation Program 912,246

Teacher Certification and Accreditation 211,000

SOURCE OF FUNDS:

(1) ASETF 211,000

(2) Federal and Local Funds 701,246

Total Regulation Program 211,000 701,246 912,246

(d) Administrative Services Program 10,816,575

The proposed spending plan for the
above is as follows:

Compact for Education ... 27,000

Operations and Maintenance of
Department 2,340,000

Telephone Revolving
Fund 1,116,000

SOURCE OF FUNDS:

(1) ASETF 3,483,000

(2) Federal and Local Funds 7,333,575

Total Administrative Services Program 3,483,000 7,333,575 10,816,575

The above appropriation shall include a transfer to the State Personnel Department of \$63,494.

(e) Adult Education Program ... 3,613,923

The proposed spending plan for the
above is as follows:

Adult Basic Education . . 950,000

Community Education . . . 91,200

SOURCE OF FUNDS:

(1) ASETF	1,041,200		
(2) Federal and Local Funds		<u>2,572,723</u>	
Total Adult Education Program .	<u>1,041,200</u>	<u>2,572,723</u>	<u>3,613,923</u>

(f) Support of State Universities Program			256,833
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SOURCE OF FUNDS:

(1) Federal and Local Funds		<u>256,833</u>	
Total Support of State Universities Program		<u>256,833</u>	<u>256,833</u>

(g) Projects-Vocation Rehabilitation/Crippled Chil- dren Services Program			734,443
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SOURCE OF FUNDS:

(1) Federal and Local Funds		<u>734,443</u>	
Total Projects—Voc. Rehab/ Crippled Children Services Pro- gram		<u>734,443</u>	<u>734,443</u>

(h) Disability Determination for Social Security Program			9,650,611
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SOURCE OF FUNDS:

(1) Federal and Local Funds		<u>9,650,611</u>	
Total Disability Determination for Social Security Program		<u>9,650,611</u>	<u>9,650,611</u>

Support of Other Educational Ac- tivities			9,300
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The proposed spending plan for the
above is as follows:

Education of Dependents of Blind
Parents

SOURCE OF FUNDS:

(1) ASETF	<u>9,300</u>		
Total Support of Other Educational Activities	<u>9,300</u>		<u>9,300</u>

For reimbursement of every State
Institution of Higher Learning,
College, University, or Trade
School or Junior College, in

which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session.

(j) Emergency Medical Services Education Program	1,500,000
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To be distributed by the Department of Education as follows:

- | | |
|---|---------|
| (1) West Alabama Emergency Services, Inc. | 250,000 |
| (2) Birmingham Regional Emergency Medical System | 250,000 |
| (3) North Alabama Emergency Medical Services, Inc. .. | 250,000 |
| (4) Southeast Alabama Emergency Medical Services System, Inc. | 250,000 |
| (5) East Alabama Emergency Medical Services, Inc. | 250,000 |
| (6) Southwest Alabama Emergency Medical Services Council, Inc. | 250,000 |

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

SOURCE OF FUNDS:

(1) ASETF	<u>1,500,000</u>	
Total Emergency Medical Services Education Program	<u>1,500,000</u>	<u>1,500,000</u>

(k) Direct Client Services for the Handicapped	40,293,054
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To be distributed by the State Department of Education as follows:

Crippled Children Services Program	4,000,000
Hemophilia Program	279,000
Homebound Program	2,000,000
Rehabilitation Services Program ..	5,785,000
Handicapped Recreation Program .	186,000

(To provide recreation and services at a year round accredited handicapped recreation facility.)

SOURCE OF FUNDS:

(1) ASETF	12,250,000		
(2) Federal and Local Funds		<u>28,043,054</u>	
Total Direct Client Services for the Handicapped	<u>12,250,000</u>	<u>28,043,054</u>	<u>40,293,054</u>
(1) Project to Develop a Financial Management Information Sys- tem			39,000

SOURCE OF FUNDS:

(1) ASETF	19,000		
(2) Federal and Local Funds		<u>20,000</u>	
Total Project to Develop a Finan- cial Management Information System	<u>19,000</u>	<u>20,000</u>	<u>39,000</u>

TOTAL DEPARTMENT OF EDU-
CATION:

SOURCE OF FUNDS:

(1) ASETF	28,460,500		
(2) Federal and Local Funds		<u>57,668,633</u>	
Grand Total Department of Educa- tion	<u>28,460,500</u>	<u>57,668,633</u>	<u>86,129,133</u>
6. Employees Insurance, State ..			597,074

SOURCE OF FUNDS:

(1) ASETF	<u>597,074</u>		
Total State Employees Insurance	<u>597,074</u>		<u>597,074</u>

7. Employees Retirement, State .			321,668
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SOURCE OF FUNDS:

(1) ASETF	<u>321,668</u>		
Total State Employees Retirement	<u>321,668</u>		<u>321,668</u>

8. Examiners of Public Accounts

(a) Legislative Support—Audit Services Program			1,007,966
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For purpose of auditing all phases
of public education.

SOURCE OF FUNDS:

(1) ASETF	<u>1,007,966</u>		
Total Examiners of Public Ac- counts	<u>1,007,966</u>		<u>1,007,966</u>

9. Fine Arts, Alabama School of

(a) Fine Arts Program			943,000
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SOURCE OF FUNDS:

(1) ASETF	855,000		
(2) Federal and Local Funds		<u>88,000</u>	
Total Alabama School of Fine Arts	<u>855,000</u>	<u>88,000</u>	<u>943,000</u>

10. Firefighters' Personnel Standards and Education Commission, Alabama

(a) Professional and Occupational Licensing & Regulation Program			128,559
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The appropriation to the Alabama Firefighters Education Commission shall include a transfer to the State Personnel Department of \$196.

SOURCE OF FUNDS:

(1) ASETF	<u>128,559</u>		
Total Alabama Firefighters' Personnel Standards and Education Commission	<u>128,559</u>		<u>128</u>

11. Health, Department of Public

(a) Health Support Services Program			395,79.
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For immunization of preschool children and students and for public school food sanitation.

(b) Personal Health Improvement Program			791,706
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Provided, however, that the above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.

SOURCE OF FUNDS:

(1) ASETF	<u>1,187,500</u>		
Total Department of Public Health	<u>1,187,500</u>		<u>1,187,500</u>

12. Higher Education, Commission

(a) Planning & Coordination Services Program	824,237
(b) Alabama Student Assistance Program	1,562,781
(c) Alabama Student Grant Program	3,000,000

SOURCE OF FUNDS:

(1) ASETF	4,200,000		
(2) Federal and Local Funds		<u>1,187,018</u>	
Total Commission on Higher Education	<u>4,200,000</u>	<u>1,187,018</u>	<u>5,387,018</u>

The Alabama Student Grant funds are to be expended in accordance with Act No. 90, 1978, Second Special Session.

13. Industrial Development Training Institute, Alabama

(a) Industrial Training Program	1,200,000
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SOURCE OF FUNDS:

(1) ASETF	1,200,000		
(2) Federal and Local Funds			
Total Alabama Industrial Development Training Institute	<u>1,200,000</u>		<u>1,200,000</u>

14. Junior College School System:

(a) Academic Instruction and Institutional Support Program ..	64,823,108
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SOURCE OF FUNDS:

(1) ASETF	40,913,376		
(2) Federal and Local Funds		9,147,864	
(3) State Funds		755,547	
(4) Other Funds		9,743,216	
(5) Auxiliary Enterprises		<u>4,263,105</u>	
Total Junior College School System	<u>40,913,376</u>	<u>23,909,732</u>	<u>64,823,108</u>

This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed below and is to be distributed on the following formula: \$200,000 to each Junior College. The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1980-81 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health programs will be funded on a cost basis based upon the 1980-81 academic year in accordance with the number of quarter hours attempted within the departments. Junior Colleges with

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credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chat-tahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College). Of the above appropriations contained herein in Section 3-A-14 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the state junior college program.

15. Law Institute, Alabama

(a) Support of Other Educational Activities Programs	211,000
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SOURCE OF FUNDS:

(1) ASETF	<u>211,000</u>
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Total Alabama Law Institute	211,000	211,000
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16. Legislature

(a) House and Senate Operations and Support Program	1,425,000
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SOURCE OF FUNDS:

(1) ASETF	<u>1,425,000</u>
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Total Legislature	<u>1,425,000</u>	<u>1,425,000</u>
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17. Library Service, Public

(a) Public Library Service Pro- gram	4,159,162
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The appropriation to the Public Li-
brary Service shall include a
transfer to the State Personnel
Department of \$2,779.

SOURCE OF FUNDS:

(1) ASETF	3,000,000
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(2) Federal and Local Funds	<u>1,159,162</u>
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Total Public Library Service	<u>3,000,000</u>	<u>1,159,162</u>	<u>4,159,162</u>
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18. Marine Environmental Sci-
ences
Consortium

(a) Support of Other Educational Activities Program	547,628
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SOURCE OF FUNDS:

(1) ASETF	400,000		
(2) Federal and Local Funds		<u>147,628</u>	
Total Marine Environmental Sciences Consortium	<u>400,000</u>	<u>147,628</u>	<u>547,628</u>

19. Medical Scholarships Awards, Boards of

(a) Support of Other Educational Activities Program	711,000
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SOURCE OF FUNDS:

(1) ASETF	<u>711,000</u>		
Total Board of Medical Scholarships Awards	<u>711,000</u>		<u>711,000</u>

(To be expended under the provisions of Act No. 663, 1977 Regular Session.)

20. Minimum Program and Public School Fund:

(a) Financial Assistance Program	471,110,426
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SOURCE OF FUNDS:

(1) ASETF	440,433,941		
(2) Public School Fund		26,000,000	
(3) Local Funds		<u>4,676,485</u>	
Total Minimum Program and Public School Fund	<u>440,433,941</u>	<u>30,676,485</u>	<u>471,110,426</u>

The above appropriation shall be paid in accordance with Title 16, Article 3, Code of Alabama, 1975 and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1981-82 is based on 23,811 teacher units.

It is provided in the event there are more than 23,811 earned teacher units for the fiscal year 1981-82, then such amount necessary to pay for these excess teacher units is hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

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For "Salaries" the sum shall not exceed a total of \$351,436,689. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	2,507.30	\$ 41,189,924
I	15,382	12,536.49	192,836,289
II	13,392	8,767.21	117,410,476
III	11,276	0	0
IV	9,792	0	0
	TOTALS	23,811.00	\$351,436,689

For "Principal Supplement", the sum shall not exceed \$100.00 for each earned teacher unit for a total of \$2,381,100.

For "Other Current Expenses" the sum shall not exceed \$2,781.78 for each earned teacher unit for a total of \$66,236,964.

For "Capital Improvements" the sum shall not exceed \$64.87 for each earned teacher unit for a total of \$1,544,620.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$49,361,053.

21. Board of Education

(a) Financial Assistance Program . 248,581,154

SOURCE OF FUNDS:

(1) ASETF 248,581,154

Total Board of Education 248,581,154 248,581,154

(a) To be distributed by State Board of Education for: Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers \$15,109,255

Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents (\$247.20) per annum per teacher, administrative supervisory unit, full time support employee, and adult school bus driver, provided that no more than \$247.20 shall be appropriated per person.

(b) Teachers Sick Leave \$3,723,744

Of the appropriation hereinabove made for Teachers Sick Leave the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnel Sick Leave \$1,564,483

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

(d) Teachers Personal Leave \$925,598

The appropriation hereinabove made to Teachers Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title IV and Title VI teachers and ESAA teachers).

(e) Funds to Replace

Fees \$9,594,516

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred and fifty dollars (\$250) per teacher unit for grades K-12 for all teachers employed (except ESEA, Title I, Title IV, and Title VI teachers and ESAA teachers).

(f) Maintenance \$6,900.00

(g) Continuation of funds previously
granted for Special Education
..... \$24,048,991

Of the appropriation hereinabove made \$1,200,000 shall be allocated to local boards of education and administered through the State Department of Education for meeting requirements of Federal Legislation (P.L. 94-482) for vocational education for the handicapped. Of the \$24,048,991 for Special Education, \$250,000 shall be allocated to the Tuscaloosa Regional Handicapped School, \$250,000 shall be allocated to the Southwest Alabama School for Deaf and Blind and \$250,000 for the Vivian B. Adams School, \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama, \$25,000 shall be allocated to the Hope Haven School in Colbert County, \$25,000 shall be allocated to the Jasper Shriner School, \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama, \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama, \$25,000 shall be allocated to Project Independence in Coffee County, Alabama, \$50,000 to be Houston County Board of Education for the Vaughn-Blumberg center for the Developmentally Disabled, and \$18,000 to Auburn University Preschool for Multi-handicapped children. An amount approved by the State Board of Education may be distributed by the State Board of Education to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P.L. 94-142.

(h) Kindergarten teacher

units \$19,016,156

The above appropriation is for 1080 teacher units and includes salaries, other current expenses, and capital outlay at the following rates:

For "Salaries" the sum shall not exceed a total of \$15,941,774. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	114	\$ 1,872,792
I	15,382	569	8,752,358
II	13,392	397	5,316,624
TOTALS		1080	\$15,941,774

For "Other Current Expenses" the sum shall not exceed \$2,781.78 for each earned teacher unit for a total of \$3,004,322.

For "Capital Improvements" the sum shall not exceed \$64.87 for each earned teacher unit for a total of \$70,060.

- (i) Driver Education and/or Other
Teacher Units \$8,803,603

The above appropriation is for 500 teacher units as approved by the local Board of Education and includes salaries, other current expenses, and capital outlay at following rates:

For "Salaries" the sum shall not exceed a total of \$7,380,278. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	53	\$ 870,684
I	15,382	263	4,045,466
II	13,392	184	2,464,128
TOTALS		500	\$7,380,278

For "Other Current Expenses" the sum shall not exceed \$2,781,78 for each earned teacher unit for a total of \$1,390,890.

For "Capital Improvements" the sum shall not exceed \$64.87 for each earned teacher unit for a total of \$32,435.

- (j) Supportive teacher
units \$29,983,941

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in subsection (h), and additional units in subsection (k). The above appropriation is for 1703 teacher units and includes salaries, other current expenses, and capital outlay at the following rates:

For "Salaries" the sum shall not exceed a total of \$25,136,096. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	180	\$ 2,957,040
I	15,382	896	13,782,272
II	13,392	627	8,396,784
TOTALS		1703	\$25,136,096

For "Other Current Expenses" the sum shall not exceed \$2,781.78 for each earned teacher unit for a total of \$4,737,371.

For "Capital Improvements" the sum shall not exceed \$64.87 for each earned teacher unit for a total of \$110,474.

- (k) Continuation of Teacher Units to
reduce pupil-teacher ratio in
grades 1-6 \$11,445,187

The above appropriation is for 650 teacher units and includes salaries other current expenses, and capital outlay at the following rates:

For "Salaries" the sum shall not exceed a total of \$9,594,864. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	69	\$1,133,532
I	15,382	348	5,260,644
II	13,392	239	3,200,688
TOTALS		650	\$9,594,864

For "Other Current Expenses" the sum shall not exceed \$2,781.78 for each earned teacher unit for a total of \$1,808,157.

For "Capital Improvements" the sum shall not exceed \$64.87 for each earned teacher unit for a total of \$42,166.

(1) Special Education \$58,018,815

The above appropriation is for 3250 teacher units and includes salaries, other current expenses, and capital outlay and transportation at the following rates:

For "Salaries" the sum shall not exceed \$47,967,202. The State Board of Education shall have the discretion to redistribute the number of teacher units allotted in each rank provided however the total amount allotted for salaries shall remain the same.

Rank	Salary Allotment	Number of Teacher Units	Total
AA	\$16,428	342	\$ 5,618,376
I	15,382	1711	26,318,602
II	13,392	1197	16,030,224
TOTALS		3250	\$47,967,202

For "Other Current Expenses" the sum shall not exceed \$2,781.78 for each earned teacher unit for a total of \$9,040,785.

For "Capital Improvements" the sum shall not exceed \$64.87 for each earned teacher unit for a total of \$210,828.

For "Transportation" the sum shall not exceed \$800,000.

(m) Vocational teacher units ... \$53,317,265

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

(n) Salary increase for lunchroom
workers formerly
granted \$6,129,600

22. Nursing, Alabama Board of

(a) Professional and Occupational
Licensing and Regulation Pro-
gram 607,000

The appropriation to the Alabama
Board of Nursing shall include a
transfer to the State Personnel
Department of \$527.

SOURCE OF FUNDS:

(1) ASETF—as provided in Act No. 68, 1977 Special Session, Scholarships for Graduate Nurses ..	57,000		
(2) Alabama Board of Nursing Trust Fund—as provided in Title 34, Chapter 21, Code of Alabama 1975, as amended		550,000	
Total Alabama Board of Nursing	57,000	550,000	607,000

23. Peace Officers Standards and Training Commission, Alabama			
(a) Professional and Occupational Licensing and Regulation Program			110,025
(b) Certified Law Enforcement Academy Programs			199,975
Jacksonville State University	38,000		
University of Alabama	38,000		
James H. Faulkner Jr. Col.	38,000		
Troy St. Univ. Montgomery	38,000		
Dept. of Public Safety—Craig AFB	47,975		
The appropriation to the Alabama Peace Officers Standards and Training Commission shall include a transfer to the State Personnel Department of \$96.			

SOURCE OF FUNDS:

(1) ASETF	310,000		
Total Alabama Peace Officers Standards and Training Commission	310,000		310,000

24. Postsecondary Vocational-Technical Education System			
(a) Instructional and Institutional Support Program			49,727,213

SOURCE OF FUNDS:

(1) ASETF	33,847,181		
(2) Federal and Local Funds		1,314,867	
(3) State Funds		711,425	
(4) Other Funds		9,707,464	
(5) Auxiliary Enterprises		4,146,276	
Total Postsecondary Vocational-Technical Education System ..	33,847,181	15,880,032	49,727,213

For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education. (The above appropriation is to be distributed to the following Vocational-Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J.F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest State Technical College; (16) N. F. Nunnellely State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed. E. Reid Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncy Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George Corley Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville). Of the above appropriations contained herein in Section 3-A-24 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

27. Tenure Commission, State

(a) Regulation Program	8,550
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SOURCE OF FUNDS:

(1) ASETF	<u>8,550</u>
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Total State Tenure Commission .	<u>8,550</u>	<u>8,550</u>
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28. Television Commission, Education

(a) Educational TV Services Program	2,858,131
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(b) Public Radio Services Program	424,436
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SOURCE OF FUNDS:

(1) ASETF	2,000,000
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(2) Federal and Local Funds	<u>1,282,567</u>
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25. Social Security (ASETF Share)

(a) For State's share of Social Security, Estimated	<u>80,424,668</u>
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(Includes payment to MICA)

SOURCE OF FUNDS:

(1) ASETF	<u>80,424,668</u>
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Total Social Security	<u>80,424,668</u>	<u>80,424,668</u>
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26. Teachers' Retirement System
of Alabama

(a) Retirement Systems Program		136,253,232
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SOURCE OF FUNDS:

(1) ASETF—Teachers Retirement System	122,840,832	
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(2) ASETF—Teachers Special Pension Fund	<u>13,412,400</u>	
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Total Retirement Systems Pro- gram (State's Share)	<u>136,253,232</u>	<u>135,253,232</u>
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In addition to the above appropria-
tion, \$24,216,322 is hereby ap-
propriated for the Teachers' Re-
tirement System to be con-
ditioned on the verification of
need, the availability of funds
and the approval of the Governor.

Total Education Television Com- mission	<u>2,000,000</u>	<u>1,282,567</u>	<u>3,282,567</u>
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29. Unemployment Compensation		1,750,000
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SOURCE OF FUNDS:

(1) ASETF	<u>1,750,000</u>	
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Total Unemployment Compensa- tion	<u>1,750,000</u>	<u>1,750,000</u>
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30. Veterans' Education Benefits

(a) Administration of Veterans' Affairs Programs		1,154,250
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SOURCE OF FUNDS:

(1) ASETF	<u>1,154,250</u>	
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Total Veterans' Education Bene- fits	<u>1,154,250</u>	<u>1,154,250</u>
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The above appropriation includes
pro-rata administration costs of
the Department of Veteran Af-
fairs and for the reimbursement
to every State Institution of
Higher Learning, College, Uni-
versity, or Junior College, in
which benefits are given to vet-
erans, their wives, widows, or
children under the provision of
Act No. 767, 1965 Regular Ses-
sion.

31. Youth Services, Department of

(a) Youth Services Program 9,385,491

The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$19,187.

SOURCE OF FUNDS:

(1) ASETF	7,704,835		
(2) Federal and Local Funds		<u>1,680,656</u>	
Total Department of Youth Services	<u>7,704,835</u>	<u>1,680,656</u>	<u>9,385,491</u>

Section 4.

A. Financial Assistance to Non-State Educational Agencies

1. Environmental Quality Association, Alabama

(a) Environmental Education Program 162,750

SOURCE OF FUNDS:

(1) ASETF	<u>162,750</u>		
Total Alabama Environmental Quality Association	<u>162,750</u>		<u>162,750</u>

2. Sylacauga Nurses Training School

(a) Support of Other Educational Activities Program 58,000

SOURCE OF FUNDS:

(1) ASETF	<u>58,000</u>		
Total Sylacauga Nurses Training School	<u>58,000</u>		<u>58,000</u>

Section 5.

COLLEGES, UNIVERSITIES
AND SCHOOLS

I. Board of Trustees of University of Alabama

A. The University

1. Operations and Maintenance .	32,095,910	32,814,276	64,910,186
2. Research, Extension and Public Service	1,970,733	254,834	2,225,567
3. Emergency Medical Services .	134,456	106,675	241,131
4. Center for Emotionally Disturbed Children	506,554	551,152	1,057,706
5. Nursing Scholarships	18,000		18,000
6. School of Mines	1,103,723	1,078,598	2,182,321
7. Family Practice Center	797,749	746,722	1,544,471

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8. Alabama Museum of Natural History	158,909	53,337	212,246
9. College of Community Health Services Medical Education ...	2,318,008	1,463,812	3,781,820
10. Vocational Teacher Training	362,370	213,349	575,719
11. Cooperative University Upper Division Program	206,154	88,895	295,049
12. Rural Infant Stimulation Environment Program	133,442	72,116	205,558
13. High Risk Nursery	107,565		107,565
14. Safe State Program	165,227		165,227
15. Auxiliary Enterprises		<u>21,820,871</u>	<u>21,820,871</u>

SOURCE OF FUNDS:

(1) ASETF	40,078,800		
(2) Other Funds		<u>59,264,637</u>	
Total University of Alabama	<u>40,078,800</u>	<u>59,264,637</u>	<u>99,343,437</u>

B. UNIVERSITY OF ALABAMA
IN BIRMINGHAM

1. University College	9,334,905	13,917,748	23,252,653
2. School of Public and Allied Health	2,230,087	2,200,233	4,430,320
3. Regional Technical Institute ..	1,859,141	448,591	2,307,732
4. Joint Health Sciences	2,898,760	1,602,112	4,500,872
5. Student Nurses Loans	11,400		11,400
6. Nursing Scholarships	83,900		83,900
7. School of Nursing	3,237,581	2,670,186	5,907,767
8. Center for Labor Education and Research	270,936		270,936
9. Urban Research and Public Service	312,174		312,174
10. School of Medicine	16,724,859	51,587,998	68,312,857
11. School of Optometry	2,145,838	2,050,703	4,196,541
12. School of Dentistry	7,293,432	10,445,768	17,739,200
13. System Medical Education Program	502,968		502,968
14. Family and Other Primary Care Residency Program	1,616,207		1,616,207

The above appropriation shall be expended for residency programs as follows:

Anniston	254,461
East End	254,461

Jefferson County	254,461		
Montgomery	254,462		
Selma	343,900		
Gadsden	254,462		
15. Montgomery Internal Medicine	245,240		245,240
16. University Hospital	5,955,206	117,426,684	123,381,890
17. School of Engineering and Business	190,000		190,000
18. Public Health School	190,000		190,000
19. Department of Pediatrics	317,321		317,321
20. Health-Related Research and Public Service	2,885,058		2,885,058
21. Emergency Medical Training	164,722		164,722
22. Hypertension Research	399,570		399,570
23. Multipurpose Arthritis Center	399,570		399,570
24. Medical Genetics Program ..	190,000		190,000
25. Special Mental Health		3,222,284	3,222,284
26. Center for Developmental and Learning Disorders		544,707	544,707
27. Auxiliary Enterprises		<u>7,497,883</u>	<u>7,497,883</u>

SOURCE OF FUNDS:

(1) ASETF	59,458,875		
(2) Special Mental Health Fund .		3,766,991	
(3) Other Funds		<u>209,847,906</u>	
Total University of Alabama in Birmingham	<u>59,458,875</u>	<u>213,614,897</u>	<u>273,073,772</u>

C. UNIVERSITY OF ALABAMA
IN HUNTSVILLE

1. Operations and Maintenance .	5,912,993	6,835,058	12,748,051
2. School of Nursing Scholarships	18,000		18,000
3. Center for Management and Economic Research	47,500		47,500
4. School of Primary Medical Care	2,753,481	443,995	3,197,436
5. Community Medicine Rural Preceptorship Program	28,500		28,500
6. Johnson Environmental and Energy Center	273,164	1,632,460	1,905,624
7. Ambulatory Care Center	647,684	810,449	1,458,133
8. School of Nursing	849,535	298,282	1,147,817
9. Paramedic Training	125,315		125,315

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10. Alabama Solar Energy Center	272,182		272,182
11. Auxiliary Enterprises		<u>1,541,125</u>	<u>1,541,125</u>

SOURCE OF FUNDS:

(1) ASETF	10,928,354		
(2) Other Funds		<u>11,561,329</u>	
Total University of Alabama in Huntsville	<u>10,928,354</u>	<u>11,561,329</u>	<u>22,489,683</u>

II. Board of Trustees of Alabama
A & M University

A. ALABAMA A & M UNIVER-
SITY

1. Operations and Maintenance .	8,523,653	10,354,005	18,877,658
2. Vocational Teacher Training .	249,148		249,148
3. Auxiliary Enterprises		<u>3,143,590</u>	<u>3,143,590</u>

SOURCE OF FUNDS:

(1) ASETF	8,772,801		
(2) Other Funds		<u>13,497,595</u>	
Total Alabama A & M University	<u>8,772,801</u>	<u>13,497,595</u>	<u>22,270,396</u>

III. Board of Trustees of Alabama
State University

A. ALABAMA STATE UNIVER-
SITY

1. Operations and Maintenance .	7,644,362	4,713,720	12,358,082
2. Auxiliary Enterprises		<u>4,033,209</u>	<u>4,033,209</u>

SOURCE OF FUNDS:

(1) ASETF	7,644,362		
(2) Other Funds		<u>8,746,929</u>	
Total Alabama State University .	<u>7,644,362</u>	<u>8,746,929</u>	<u>16,391,291</u>

IV. State Board of Education

A. ATHENS STATE COLLEGE

1. Operations and Maintenance .	1,467,666	1,023,268	2,490,934
2. Auxiliary Enterprises		<u>246,768</u>	<u>246,768</u>

SOURCE OF FUNDS:

(1) ASETF	1,467,666		
(2) Other Funds		<u>1,270,036</u>	
Total Athens State College	<u>1,467,666</u>	<u>1,270,036</u>	<u>2,737,702</u>

V. Board of Trustees of Auburn
University

A. AUBURN UNIVERSITY

1. Operations and Maintenance .	35,592,953	30,986,312	66,579,265
2. School of Nursing	403,750		403,750
3. Educational Television	357,876		357,876
4. Center for Vocational Adult Education	508,250		508,250
5. Clinical Psychology	111,815		111,815
6. Engineering Experiment Sta- tion	821,251		821,251
7. Public Service, Research and Extension	366,814		366,814
8. Energy Research	262,010		262,010
9. Food Animal Health & Disease Research	190,000		190,000
10. Auxiliary Enterprises		<u>22,392,348</u>	<u>22,392,348</u>

SOURCE OF FUNDS:

(1) ASETF	38,614,719		
(2) Other		<u>53,378,660</u>	
Total Auburn University	<u>38,614,719</u>	<u>53,378,660</u>	<u>91,993,379</u>

B. AGRICULTURAL EXPERI-
MENT STATION

1. Operations and Maintenance .	<u>7,824,070</u>	<u>9,403,617</u>	<u>17,227,687</u>
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SOURCE OF FUNDS:

(1) ASETF	7,824,070		
(2) Other		<u>9,403,617</u>	
Total Agricultural Experiment Station	<u>7,824,070</u>	<u>9,403,617</u>	<u>17,227,687</u>

C. COOPERATIVE EXTENSION
SERVICE

1. Operations and Maintenance .	<u>9,743,754</u>	<u>9,516,553</u>	<u>19,260,307</u>
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SOURCE OF FUNDS:

(1) ASETF	9,743,754		
(2) Other		<u>9,516,553</u>	
Total Cooperative Extension Ser- vice	<u>9,743,754</u>	<u>9,516,553</u>	<u>19,260,307</u>

D. AUBURN UNIVERSITY AT
MONTGOMERY

1. Operations and Maintenance .	5,607,021	4,538,222	10,145,243
2. Montgomery Area Community Health Sciences Institute	49,465		49,465

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3. Public Service, Research and Extension (Center for Government and Public Affairs)	155,325	31,560	186,885
4. School of Nursing	258,875	2,922	261,797
5. Auxiliary Enterprises		<u>1,271,754</u>	<u>1,271,754</u>

SOURCE OF FUNDS:

(1) ASETF	6,070,686		
(2) Other		<u>5,844,458</u>	
Total Auburn University at Montgomery	<u>6,070,686</u>	<u>5,844,458</u>	<u>11,915,144</u>

VI. Board of Trustees of Jacksonville State University

A. JACKSONVILLE STATE UNIVERSITY

1. Operations and Maintenance .	10,384,806	4,590,172	14,974,978
2. Gadsden Program	460,750	129,158	589,908
3. Nursing Scholarships	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama	95,000		95,000
5. Vocational Teacher Training .	95,000		95,000
6. Auxiliary Enterprises		<u>1,611,942</u>	<u>1,611,942</u>

SOURCE OF FUNDS:

(1) ASETF	11,053,556		
(2) Other		<u>6,331,272</u>	
Total Jacksonville State University	<u>11,053,556</u>	<u>6,331,272</u>	<u>17,384,828</u>

VII. Board of Trustees of Livingston State University

A. LIVINGSTON STATE UNIVERSITY

1. Operation and Maintenance ..	3,579,329	1,113,014	4,692,343
2. Nursing Scholarships	18,000		18,000
3. Auxiliary Enterprises		<u>1,749,676</u>	<u>1,749,676</u>

SOURCE OF FUNDS:

(1) ASETF	3,597,329		
(2) Other		<u>2,862,690</u>	
Total Livingston State University	<u>3,597,329</u>	<u>2,862,690</u>	<u>6,460,019</u>

VIII. Board of Trustees of University of Montevallo

A. UNIVERSITY OF MONTEVALLO

1. Operations and Maintenance .	5,577,455	3,240,820	8,818,275
2. School for Aphasic Children ..	212,229	17,207	229,436
3. Highway Safety Program	133,759		133,759
4. Communication Center	19,341	68,827	88,168
5. Auxiliary Enterprises		<u>2,606,540</u>	<u>2,606,540</u>

SOURCE OF FUNDS:

(1) ASETF	5,942,784		
(2) Other Funds		5,933,394	
Total University of Montevallo ..	<u>5,942,784</u>	<u>5,933,394</u>	<u>11,876,178</u>

IX. Board of Trustees of University of North Alabama

A. UNIVERSITY OF NORTH ALABAMA

1. Operations and Maintenance .	7,230,285	5,258,248	12,488,533
2. Nursing School Scholarships .	18,000		18,000
3. Auxiliary Enterprises		<u>1,478,777</u>	<u>1,478,777</u>

SOURCE OF FUNDS:

(1) ASETF	7,248,285		
(2) Other		<u>6,737,025</u>	
Total University of North Alabama	<u>7,248,285</u>	<u>6,737,025</u>	<u>13,985,310</u>

X. Board of Trustees of South Alabama

A. UNIVERSITY OF SOUTH ALABAMA

1. Operations and Maintenance .	9,797,700	10,130,432	19,928,132
2. Medical Research and Public Service	344,022		344,022

(Includes Statewide Medical Education, Ambulatory Care, Human and Clinical Nutrition Program and Reproductive Health Sciences Center.)

3. Family Practice Residency Program	548,150		548,150
4. College of Medicine	8,550,000	8,661,314	17,211,314
5. Medical Center Hospital	1,593,556	35,087,760	36,681,316
6. Newborn Growth and Development Program	76,000		76,000
7. Division of Allied Health	665,000	123,902	788,902

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8. School of Nursing	570,000	241,903	811,903
9. Nursing Scholarships	18,000	5,900	23,900
10. Research, Public Service and Extension	86,828	41,301	128,129
11. Paramedic Training Program	130,625	70,801	201,426
12. Basic Medical Sciences	237,500		237,500
13. Birth Defect Genetic Center .	209,000		209,000
14. Auxiliary Enterprises		<u>4,637,461</u>	<u>4,637,461</u>

SOURCE OF FUNDS:

(1) ASETF	22,826,381		
(2) Other		<u>59,000,774</u>	
Total University of South Alabama	<u>22,826,381</u>	<u>59,000,774</u>	<u>81,827,155</u>

XI. Board of Trustees of Troy State University

1. Operations and Maintenance at Troy	6,233,185	4,702,289	10,935,474
2. Operations and Maintenance at Ft. Rucker/Dothan	926,250	1,266,724	2,192,974
3. Operations and Maintenance in Montgomery	237,500	1,625,065	1,862,565
4. Nursing Scholarships	36,000		36,000
5. Operations and Maintenance at Bay Minette	53,200	543,777	596,977
6. School of Nursing-Montgomery	237,500	20,047	257,547
7. Branch Campus at Phenix City	80,750	428,506	509,256
8. Auxiliary Enterprises		<u>3,943,007</u>	<u>3,943,007</u>

SOURCE OF FUNDS:

(1) ASETF	7,804,385		
(2) Other		<u>12,529,415</u>	
Total Troy State University	<u>7,804,385</u>	<u>12,529,415</u>	<u>20,333,800</u>

XII. Board of Trustees for Alabama Institute for Deaf and Blind

A. ALABAMA INSTITUTE FOR DEAF AND BLIND

1. Operations and Maintenance .	5,200,000	2,267,127	7,467,127
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B. DEPARTMENT OF ADULT BLIND AND DEAF

1. Special Technical Facility	1,485,840	2,340,572	3,826,412
2. Industries for the Blind	487,000	7,432,278	7,919,278

SOURCE OF FUNDS:

(1) ASETF	7,172,840		
(2) Other		<u>12,039,977</u>	
Total Alabama Institute for Deaf & Blind	<u>7,172,840</u>	<u>12,039,977</u>	<u>19,212,817</u>

Section 6.

A. GOVERNOR'S EDUCATION PROGRAM			2,000,000
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To State Department of Education—Board of Education with Governor's approval. For Basic Learning Skills Teams, Leadership and Management Programs, Standard Schools Program and Liability Insurance.

SOURCE OF FUNDS:

(1) ASETF	<u>2,000,000</u>		
Total Governor's Education Program	2,000,000		2,000,000

Section 7.

A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of University of Alabama \$3,222,284 to be expended under the programmatic area as shown under subsection 5-1-B on page 29.

(2) There is hereby appropriated from the Special Mental Health Trust Fund \$544,707 to be expended under the programmatic area as shown under subsection 5-1-B on page 29.

B. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this state for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution in 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools. There is hereby appropriated twenty-six million dollars (\$26,000,000) from the Public School Fund to the Minimum Program to be expended under the Financial Assistance Program as shown in subsection 3-20-A on page 17. If the Public School Fund receives more revenue than appropriated for the fiscal year ending September 30, 1982, the excess in revenue shall be carried over as a beginning balance for the fiscal year beginning October 1, 1982.

Section 8. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance

with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller, shall issue his warrant therefor. All other appropriations in this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 9. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

Section 10. The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, which holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 11. This act shall become effective on October 1, 1981.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 78; Nays 3.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Carothers, Carter, Cates, Clark (G), Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Escott, Gafford, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harvey, Horn, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Lewis, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Pegues, Penry, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Stewart, Stout, Trammell, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—78

Nays: Reps.: Holmes, Rains and Wyatt.

—3

H. 631 TEMPORARILY POSTPONED

On motion of Rep. Owens, the bill, H. 631 as amended, was temporarily postponed.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Smith (J):

H. R. 221. COMMENDING MADISON COUNTY COMMISSIONER CHARLES STONE FOR OUTSTANDING COMMUNITY SERVICE.

Also:

The following resolution was introduced:

By Reps. Reed, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Escott, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McCorquodale, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 222. WELCOMING THE HONORABLE GEORGE BUSH TO THE STATE OF ALABAMA DURING HIS VISIT TO PARTICIPATE IN THE CENTENNIAL CELEBRATION OF TUSKEGEE INSTITUTE.

WHEREAS, it is with great pleasure that the Alabama Legislature notes the imminent arrival of The Honorable George Bush to the State of Alabama to attend festivities and ceremonies related to the Centennial Celebration of the founding of Tuskegee Institute; and

WHEREAS, Vice-President Bush previously has visited our state on several occasions, but we are particularly honored that he has been able to schedule this visit during a period of pressing commitments resulting from the hospitalization of our President; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend a most cordial welcome to The Honorable George Bush, Vice-President of the United States, as he visits the State of Alabama on April 12, 1981, for the purpose of participating in the Centennial Celebration of historic Tuskegee Institute.

BE IT FURTHER RESOLVED, That Vice-President Bush be presented with a copy of this resolution, both as a memento of his visit to Alabama and in expression of the gratitude of all Alabamians for his continuing dedicated service to our nation.

On motion of Rep. Reed, the rules were suspended and the resolution, H. J. R. 222, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Rep. Venable:

H. R. 223. MOURNING THE DEATH OF SAMUEL STEVE MAYNARD.

SPECIAL ORDER RESUMED

And the bill:

H. 632. (With Substitute): To make appropriations for the support and maintenance of the Marion Military Institute.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the support and maintenance of the Marion Military Institute.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby appropriated for the fiscal year ending September 30, 1982, the sum of Three Hundred Twenty Five Thousand Dollars (\$325,000.00), out of the funds in the Alabama Special Educational Trust Fund, to the Marion Military Institute at Marion, Alabama, to be used for the support and maintenance of said school.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. This Act shall become effective October 1, 1981.

MOTION TO TEMPORARILY POSTPONE TABLED

On motion of Rep. Owens, the motion offered by Rep. Holley to temporarily postpone the bill, H. 632 with pending substitute, was tabled.

Yeas 50; Nays 33.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Barton, Bennett, Biddle, Brakefield, Carothers, Carter, Cates, Clark (G), Cobb, Cosby, Dial, Edwards, Escott, Gafford, Gregg, Grimsley, Grouby, Harrison, Horn, Howard, Jackson, Laird, McKee, McMillan, Manley, Minus, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Pegues, Ray, Roberts, Sasser, Shoemaker, Smith (J), Stewart, Tucker, Turnham, Waggoner, Ward, Whatley, Williams and Zoghby.

—50

Nays:

Reps.: Albright, Amari, Blake, Boles, Bowling, Buskey, Cheatwood, Clark (W), Cooley, Crow, Daniels, Dixon, Drinkard, Ford, Gilmer, Goodwin,

Greer, Hall, Hammett, Harper (O), Harvey, Holley, Johnson (Roy), Langford, Lewis, Payne, Penry, Rains, Seibels, Shavers, Stout, Trammell and Wyatt.

—33

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 632, and the substitute was adopted.

Yeas 63; Nays 1.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Barton, Bennett, Biddle, Blake, Bowling, Brakefield, Carothers, Carter, Cates, Clark (G), Clark (W), Cobb, Cooley, Cosby, Crow, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gregg, Grimsley, Grouby, Hammett, Harper (O), Harvey, Holmes, Laird, McKee, McMillan, Manley, Minus, Moore, Naramore, Olive, Owens, Parker, Patton, Payne, Pegues, Rains, Ray, Reed, Riddick, Roberts, Sasser, Seibels, Shavers, Shoemaker, Stewart, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis and Zoghby.

—63

Nay: Rep. Gilmer.

—1

H. 632 TEMPORARILY POSTPONED

On motion of Rep. Owens, the bill, H. 632 as amended, was temporarily postponed.

H. 633 TEMPORARILY POSTPONED

On motion to Rep. Owens, the bill, H. 633, was temporarily postponed.

H. 634 TEMPORARILY POSTPONED

On motion of Rep. Owens, the bill, H. 634, was temporarily postponed.

H. 635 TEMPORARILY POSTPONED

On motion of Rep. Owens, the bill, H. 635, was temporarily postponed.

H. 776 TEMPORARILY POSTPONED

On motion of Rep. Reed, the bill, H. 776, was temporarily postponed.

H. J. R. 212 RESUMED

RESOLUTION ADOPTED

On motion of Rep. Gafford, the resolution, H. J. R. 212, previously reported favorably from the Standing Committee on Rules and temporarily postponed, was adopted.

Yeas 43; Nays 12.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Biddle, Blake, Bowling, Brakefield, Cabaniss, Campbell, Cates, Clark (G), Crow, Dial, Dixon, Edwards, Gafford,

REGULAR SESSION
17th Day

999

Goodwin, Grimsley, Grouby, Hammett, Harper (O), Harrison, Johnson (R. G.), McKee, McMillan, Manley, Minus, Moore, Olive, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Starkey, Turnham, Venable, Waggoner, Ward, Whatley, Williams and Willis.

—43

Nays:

Reps.: Barton, Bennett, Buskey, Hall, Holmes, Johnson (Roy), Langford, Seibels, Shavers, Trammell, Warren and Wyatt.

—12

SPECIAL ORDER RESUMED

And the bill:

H. 448. (With Amendment): To make further appropriations of state funds for the fiscal year ending September 30, 1981.

Was taken up.

SUBSTITUTE OFFERED

Rep. Owens offered a substitute to the bill, H. 448 with pending amendment.

MOTION TO POSTPONE

Rep. Venable offered the motion to temporarily postpone the bill, H. 448 with pending substitute.

MOTION TO TABLE LOST

The motion offered by Rep. Owens to table the motion offered by Rep. Venable to temporarily postpone the bill, H. 448 with pending substitute, was lost.

Yeas 35; Nays 51.

Yeas:

Mr. Speaker, Bedsole, Bennett, Biddle, Buskey, Cabaniss, Clark (W), Dial, Edwards, Gafford, Gilmer, Greer, Grouby, Harper (T), Hines, Holley, Kennedy, McMillan, Manley, Minus, Moore, Olive, Owens, Parker, Penry, Sandusky, Shoemaker, Starkey, Stewart, Stout, Turner, Waggoner, Warren, Willis and Zoghby.

—35

Nays:

Reps.: Adams (C), Adams (H), Albright, Amari, Blake, Boles, Bowling, Brakefield, Campbell, Carter, Cates, Cheatwood, Cobb, Coburn, Cosby, Crow, Daniels, Drinkard, Ford, Gregg, Grimsley, Hall, Hammett, Harper (O), Holmes, Howard, Jackson, Johnson (Roy), Laird, Langford,

Letson, Lewis, McKee, Naramore, Nevett, Patton, Payne, Pegues, Rains, Ray, Riddick, Roberts, Sasser, Seibels, Smith (C), Smith (J), Venable, Ward, Whatley, Williams and Wyatt.

—51

H. 448 TEMPORARILY POSTPONED

The question was again on the motion offered by Rep. Venable to temporarily postpone the bill, H. 448 with pending substitute, and the motion to postpone was adopted.

Yeas 57; Nays 14.

Yeas:

Mr. Speaker, Adams (C), Adams (H), Amari, Bennett, Blake, Boles, Bowling, Brakefield, Carter, Cates, Cheatwood, Cobb, Coburn, Cosby, Crow, Edwards, Ford, Gilmer, Greer, Gregg, Grimsley, Grouby, Hammett, Harper (O), Holmes, Howard, Jackson, Johnson (Roy), Kelley, Laird, Langford, Letson, Lewis, McKee, Naramore, Nevett, Patton, Payne, Pegues, Ray, Riddick, Roberts, Sandusky, Sasser, Seibels, Smith (C), Smith (J), Starkey, Stewart, Waggoner, Ward, Warren, Whatley, Williams, Willis and Wyatt.

—57

Nays:

Reps.: Albright, Cabaniss, Clark (W), Dial, Gafford, Harper (T), Holley, McMillan, Manley, Minus, Moore, Owens, Parker and Rains.

—14

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:20 P.M. on April 7, 1981.

H. 213.

H. 214.

H. 471.

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Rep. Hammett and pursuant to the resolution, H. R. 215, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Wednesday, April 8, 1981.